

**From:** Let Us Vote for a Balanced Budget Amendment Citizens Campaign, Inc.  
**Sent:** Thursday, June 28, 2018 4:40 PM  
**To:** Rep93  
**Subject:** Your Leadership on a BBA is Appreciated



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June 27, 2018

To: Representative Steve Stivers

Cc: Ohio Senate President Larry Obhof  
Ohio Speaker of the House Ryan Smith

**Subject: Should Congress Empower the State Legislatures to Draft, and the  
Citizens of 38 States to Ratify, a U.S. Balanced Budget Amendment by  
November 10, 2020?**

"When you owe people money, you're at their mercy." That was your conclusion during testimony before the House Judiciary in July of 2017, regarding the risks Americans currently face as a result of the crushing \$21 trillion federal debt. And, as you outlined, that vulnerability threatens national security, the solvency of the social safety net and the basic stability of the American economy.

You are to be commended, Representative Stivers, for your clear analysis of this threat and your leadership in Congress to work toward a constitutional solution through a bi-partisan balanced budget amendment. Your influence in Ohio was also instrumental to the passage of Ohio's Article V BBA Application.

Further, you've recognized practical barriers to the exercise of Article V and took action by sponsoring the House Rules change to require the House Clerk to act as a central repository for Article V applications. This is exactly the kind of progress that needs to be made if the states are to possess a viable method for proposing a balanced budget amendment.

You've also spoken publicly regarding your belief that a balanced budget amendment needs to have broad, bi-partisan consensus. Again, I strongly agree with your position, though such consensus has been very difficult to find in Congress.

Our Founders designed the Article V state convention process to be able to circumvent congressional partisan gridlock and solve serious constitutional problems. For example, Alexander Hamilton, in Federalist 85, said:

"But every amendment to the Constitution, if once established, would be a single proposition, and might be brought forward singly. There would then be no necessity for management or compromise, in relation to any other point [,] no giving nor taking. And consequently, whenever nine, or rather ten States, were united in the desire of a particular amendment, that amendment must infallibly take place."

Bi-partisan support for a BBA has also repeatedly been demonstrated among the American people. In recent polling of 8,671 registered voters across the country, 83% of Democrats, 83% of Republicans and 83% of Independents said, "A vote of the people (not Congress) should decide if a Balanced Budget Amendment is added to the U.S. Constitution. In addition, 45% said, "To get my vote, my state representatives and congressmen need to give Americans a vote on a U.S. Balanced Budget Amendment."

This state convention mode of ratification does have precedent, as it was the method chosen for the ratification of the Twenty-First Amendment. Ohio was the second to last state convention to ratify the repeal of Prohibition. State law specified that non-partisan delegates were to take an oath either for, against, or unpledged on ratification, and they were elected on that basis.

The Ohio State Convention met on December 5, 1933. Senator Robert Bulkley, acting president of the convention said, "Considering the circumstances under

which the delegates of this convention were elected, it may be that we shall not need much discussion.” There was none. The convention delegates voted unanimously “for repeal” as they had pledged to the citizens of Ohio, effectively giving the people the right to decide this very contentious national issue with “broad bi-partisan” support.

Therefore, given your understanding of the debt crisis and your leadership in creating practical, bi-partisan solutions, would you consider scheduling a meeting to personally discuss a resolution that would resolve the “ambiguities,” as you have aptly called them, in the Article V process and enable the timely proposal and ratification of a BBA? The three principles of the “Let Us Vote” Resolution require Congress to:

- Set the time and place (such as July 4, 2019 in Philadelphia) for a convention of states to draft a constitutional amendment requiring balanced-budgets and a spending-growth-limit, such as the highly successful Swiss Debt Brake, by counting 34+ applications of the 700+ submitted by the states.
- Prohibit any proposed amendment unrelated to balancing the federal budget from being forwarded to the states for ratification.
- Stipulate that ratification would be by a vote of the people in 38 states (State Convention mode of ratification).

Representative Stivers, you are exactly right in your assessment that, as a nation, “We are taking away economic opportunity from tomorrow’s generations and threatening our national security today...” I look forward to discussing the opportunity to use the “Let Us Vote” Resolution to break through barriers to the passage a balanced budget amendment, while there is still time to prevent the disastrous economic crisis that is coming, if we do nothing.

Respectfully,

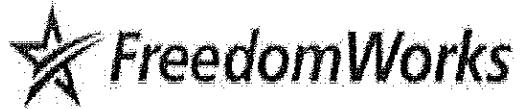
David Biddulph  
Co-Founder  
Let Us Vote for a Balanced Budget Amendment Citizens Campaign, Inc.

Enclosures (4)

- Coalition Letter Supporting “Let Us Vote for a BBA”
- Why American Economic Stability Depends on a BBA
- Policy Framework for the “Let Us Vote for a BBA” Campaign
- “Let Us Vote for a BBA” U.S. Polling Summary

PO Box 193 | New Smyrna Beach, FL 32170 | 386-423-4744 | letusvoteforbba.org

## Coalition Letter Supporting "Let Us Vote for a BBA"



April 11, 2018

Dear Speaker Ryan and Leader McConnell:

The American people, along with American job creators – both small and large businesses – want a balanced federal budget. Nearly all state governments are required to balance their budgets, not only because it is sound family economics—not to spend more than you earn—but also because it's a winning issue. A CNN poll found that 74 percent of the American people favor a constitutional amendment to require a balanced federal budget. As November approaches, we know the right position on this core issue will bring results.

For far too long—and as recently demonstrated by the 2018 Omnibus Bill—Congress has ignored the will of the taxpayers by continually increasing spending, regardless of whether it is controlled by Democrats or Republicans. The undersigned organizations believe a vote on House Joint Resolution 2, "Proposing a balanced budget amendment to the Constitution of the United States", constitutes little more than a show vote that, in order to matter, must be backed up with a call for a convention of states to consider a balanced budget amendment (BBA) to the U.S. Constitution once the 34-state application requirement has been met.

HJR 2 ignores obvious and meaningful steps toward genuine reform, fails to address unsustainable government spending, creates a bias toward raising taxes, and requires a very high threshold for passage. The Congress, clearly unable to shake its overspending habit, will never meet this bar and should instead exercise its constitutional power under Article V to empower the states to draft, and the people to ratify, a Balanced Budget Amendment to the U.S. Constitution.

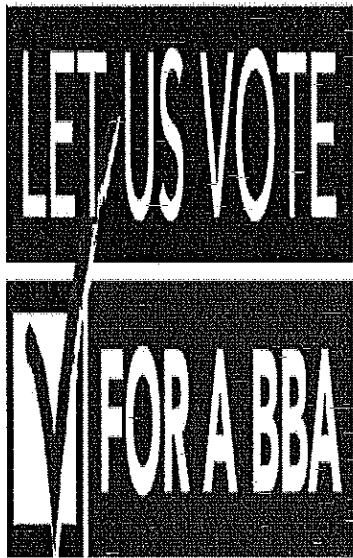
During the months before a convention convenes, the American people will have the opportunity to share their opinions on the fiscal limits to include in the drafting of a BBA. Most importantly, the citizens of the United States of America should decide if they want to ratify a BBA that could be designed by their state representatives. In calling for a convention of the states, Congress could honor the principles of federalism and empower the American people to create a fiscally solvent future.

HJR 2 will do nothing to address America's fiscal crisis. The following organizations, and the millions of Americans we represent, want to underscore that while consideration of HJR 2 helps to advance the national conversation about the importance of a BBA, it does not address America's real and grave fiscal challenges. Therefore, HJR 2 must be followed up with action – a call for an amendments convention to propose a BBA. The states have the political will to do what the Congress is unable to do.

Very respectfully,

Lisa B. Nelson Chief Executive Officer ALEC Action	Speaker Linda Upmeyer Iowa House of Representatives	Grover Norquist President Americans for Tax Reform
Rep. Kelly Townsend President Arizona BBA Planning Convention	Andrew F. Quinlan President Center for Freedom and Prosperity	David Biddulph Co-founder BBA Task Force
Jason Pye Vice President of Legislative Affairs FreedomWorks	Alfredo Ortiz, President and CEO Job Creators Network	David Williams, President Taxpayers Protection Alliance
James L. Martin, Chairman 60 Plus Association	Matthew Kandrach President Consumer Action for a Strong Economy	Saulius "Saul" Anuzis, President 60 Plus Association

## Why American Economic Sustainability Depends on a Balanced Budget Amendment



### Why American Economic Sustainability Depends on a Balanced Budget Amendment

#### The National Debt Has Become a Staggering Burden

The United States is more than \$21 trillion in debt. That amounts to more than \$174,000 per American taxpayer. Further, projections indicate that our federal government plans to increase national liability by another \$11 trillion over the next ten years. Looking forward, we can also anticipate another \$100 trillion in future unfunded liabilities. These include interest on the national debt, pensions for federal employees and the costs of Social Security, Medicare and Medicaid. That represents nearly \$1 million in liability for each household in America.

#### America's National Credit is at Risk

In December of 2017, there were only eleven countries in the world with higher debt to GDP ratios than America's 105.4%. Among G-20 nations, there were only two.

Attempting to deal with the debt by printing money will risk hyperinflation like that suffered in Germany after World War I. National default will produce the chaos similar to that recently witnessed in Greece.

#### Rising Interest Rates Threaten a Cycle of Increasing Debt

With the Federal Reserve taking a more aggressive stance on raising interest rates in 2018, borrowing is becoming increasingly expensive. And given the recent tax cuts and the 1.3 trillion-dollar spending bill, the United States is projected to borrow over a trillion dollars, yearly, by 2019. The additional debt will be financed through increased treasury sales, at yields high enough to attract new investment in an already saturated debt-market. This will push interest rates up further, requiring more borrowing to finance a debt expanding beyond control.

#### Debt Levels Threaten National Security

America's weakened economic position is reducing our global standing and limiting our ability to maintain a strong military. According to former chairman of the Joint Chiefs of Staff, Admiral Mike Mullen, "...the single, biggest threat to our national security is our debt.

歹 0 U.S. Senator David Perdue described the situation this way: "Today we have the smallest Army since World War II, the smallest Navy since World-War I, and the smallest and oldest Air Force ever."

#### **America's Entitlement Programs are at Risk of Insolvency**

According to the 2018 Report of the Board of Trustees of the Federal Old-Age and Survivors Insurance and Federal Disability Insurance Trust Fund, Social Security costs will surpass total income this year. Trustees project that the Fund's deficits will be met through interest and non-interest income and trust fund asset reserves through 2034, after which Social Security will become insolvent. A balanced budget amendment could create constitutional protections for the benefits Americans have earned, and the programs that sustain our country's most vulnerable citizens.

**A Balanced Budget Amendment Could Restore a Sustainable Economic Future**  
in America The U.S. Congress has not been able to impose meaningful spending limits through legislative action. Whether leadership was Republican or Democratic, the national debt has continued to grow for sixty consecutive years. The Swiss, by contrast, constitutionally adopted a fiscal limit they call the "Debt Brake" in 2001, which slowed total spending growth by about 2% per year. Subsequently, Switzerland has begun paying down its national debt, it enjoys the lowest borrowing cost of any country in the world, and its citizens enjoy the highest GDP per capita of the world's 100 largest countries. In 2010, the Congressional Budget Office projected that over seventy-five years, the implementation of similar fiscal rules in the U.S. would result in the quadrupling of real potential gross national product per person (from \$40,000 to over \$160,000), the preserving of reformed entitlement programs for future generations, and the elimination of America's national debt.

#### **Policy Framework for the “Let Us Vote for a BBA” Campaign**

## **Policy Framework: Achieving Permanent Federal Fiscal Reform Now Policy Brief**

**Background Status** - With many key voter issues currently being addressed in Washington, constituents have turned their attention to the mounting federal debt and how that continues to threaten us all. Unfortunately, the latest Omnibus Bill was interpreted by voters as confirming their impression that Congress has a total lack of concern regarding the issue. It is clear that the broken federal budget is unsustainable and simple procedural changes will not solve the problem. Decades of experience with Washington has shown the voters that Congress (on this issue) has a complete absence of political will to do anything other than posture with empty votes and then try to shift the blame for the continued inaction.

To be fair, automatic spending allocations for existing federal programs (mandates) and interest on the debt, have expanded to over 2/3 of the country's annual budget, leaving little or no room for effective control by Congress. Spending at current levels is projected by the CBO to result in massive deficits for the foreseeable future, unless something is radically changed.

**A New Approach** - There is an innovative approach that is doable, even in today's political climate. Requiring only simple majority votes of Congress, this constitutionally grounded strategy, offers the GOP leadership a winning issue, guaranteed to gain the support of huge numbers of voters for years to come. The GOP alone is positioned to quickly act on this proposal, designed to advance a practical, long term fiscal budgetary solution and avoid the potential of our federal budget spiraling out of control.

Referred to as, Let US Vote for a BBA, this campaign has an unprecedented 83% approval of registered voters, astonishingly that holds equally with Republicans, Independents and Democrat voters. Almost half (45%) are committed to casting their vote this fall for any candidate that supports this issue.

Designed to set the nation on a gradual path to fiscal stability, the proposed fiscal reform policy would require the GOP to immediately embrace this approach and ensure members at all levels act uniformly to support the new policy. This will be entirely appropriate as Republicans currently hold the majority in both houses of Congress, elected to those positions on a platform of fiscal responsibility.



**Specific Recommendations** - Congress would need to act immediately on the following three items: (1) utilizing 34 of the over 700 current applications, call for an Article V Amendatory Convention to propose a new amendment (BBA) designed to slowly restore balance to the federal budget and start to pay down the debt, (2) stipulate no proposals other than for the BBA will be forwarded to states for ratification and (3) preannounce that (just as was the mode to ratify the 21st amendment that repealed prohibition) the people will be allowed to vote and ratify this into law, electing (by referendum) declared-delegates utilizing the state convention mode.

As with any proposed amendment,  $\frac{3}{4}$  of the states are required to ratify, ensuring only a comprehensive long-term solution will be proposed; one that states, Congress and the American people can all live with. By stipulating only proposals related to the single subject will be forwarded to states for ratification, any concerns of a "runaway" amendatory convention process are completely eliminated.

**Immediate and Long-Term Benefits** - This bold new policy and these recommended actions of Congress, can begin to right the financial ship-of-state and in so doing, securing a place of honor for the GOP in American economic history. Near term, these actions will solidify current GOP majorities, effectively lock-in current low tax rates, block reckless spending initiatives, compel modest action to secure social security and provide a framework for stable funding in other key programs (such as defense and infrastructure).

With such overwhelming, across-the-board support for this issue, the voters will no doubt continue to reward the Republican Party responsible for getting America back on track, enthusiastically reelecting GOP candidates for years to come. Voters will appreciate that our elected officials will now be obliged to come together and do the hard work of constructing a fiscally sound federal budget to save the American Dream.

### **"Let Us Vote for a BBA" U.S. Polling Summary**

#### **National Poll Results People's Constitutional Right to Vote on a U.S. Balanced Budget Amendment**

**Random Sample 8,671 | U.S. Registered Voters in CA, KY, NY, SC & WI  
April 22-May 5, 2018**

**Survey Question #1:** "Who should decide if a Balanced Budget Amendment is added to the U.S. Constitution: a vote of the people, or a vote of Congress?"

**Survey Question #2:** "Do you want your state representatives and congressmen to know that to get your vote, he or she needs to vote YES on giving Americans a vote on a U.S. balanced budget amendment?"

Answer	U.S.	Democrats	Republicans	Other
#1 "Vote of the People"	83%	83%	83%	83%
#1 "Vote of Congress"	17%	17%	17%	17%
#2 "Let Us Vote" for a Balanced Budget Amendment "to get our vote"	45%	46%	45%	44%
Total Respondents	8,671	3,596	3,689	1,386

Answer	U.S.	CA	KY	NY	SC	WI
#1 "Vote of the People"	83%	80%	87%	82%	82%	84%
#1 "Vote of Congress"	17%	20%	13%	18%	18%	16%
#2 "Let Us Vote" for a Balanced Budget Amendment "to get our vote"	45%	40%	49%	44%	47%	44%
Total Respondents	8,671	1,430	2,120	1,772	1,264	2,085



Polls performed by Voice Broadcasting Corp. For questions:  
[Ben@voicebroadcasting.com](mailto:Ben@voicebroadcasting.com)

**For Further Resources on the Movement to  
 "Let Us Vote" for a Balanced Budget Amendment,  
 Please Visit our Website at [letusvote4bba.org](http://letusvote4bba.org).**

Let Us Vote for a Balanced Budget Amendment Citizens Campaign, Inc. | P.O Box 193 , New Smyrna Beach, FL 32170

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**From:** Public Policy Law360  
**Sent:** Friday, June 29, 2018 5:13 AM  
**To:** Rep93  
**Subject:** Roberts Becomes True Power As 'Kennedy Court' Ends



Friday, June 29, 2018



## KENNEDY RETIRES

Analysis

### **Roberts Becomes True Power As 'Kennedy Court' Ends**

The retirement of Justice Anthony Kennedy means that Chief Justice John Roberts is now the U.S. Supreme Court's most important member not just in title but also in reality, empowering him to advance a muscular conservative agenda and perhaps broker deals with outgunned liberals. [Read more »](#)

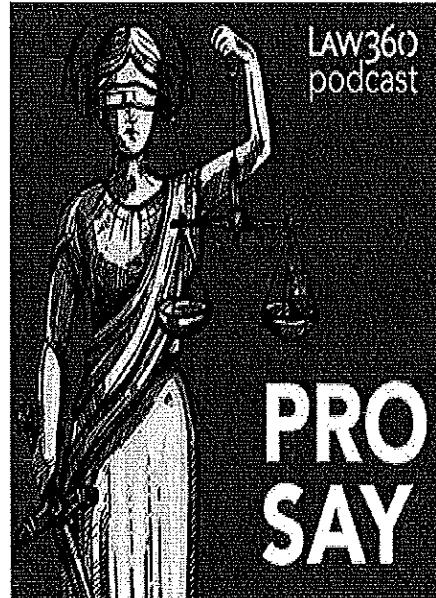
### **Delay On Kennedy Replacement 'Ain't Going To Happen': GOP**

High-ranking Republicans on the Senate Judiciary Committee stood firm Thursday on keeping Majority Leader Mitch McConnell's promise to vote this fall on a replacement for retiring U.S. Supreme Court Justice Anthony Kennedy, with one saying Democrats' calls to wait until after the November midterms "ain't going to happen." [Read more »](#)

Analysis

### **Why The Defense Bar Celebrates Kennedy**

Associate Justice Anthony Kennedy spent his three decades on the high court making a name for himself as a champion of individual freedoms, but he also authored the majority opinion in *Ashcroft v. Iqbal* that changed



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## LAW FIRMS

Abrams Fensterman

Ahmad Zavitsanos

Akerman

Allen & Overy

Altshuler Berzon

Anthony Kennedy PC

Arnold & Porter

Baker McKenzie

corporate litigation so much, it is cited in nearly every dismissal bid and has become the bane of the plaintiffs bar. [Read more »](#)

**Analysis**

**Post-Kennedy Court Likely To Take Narrow View Of Title VII**

A circuit split on whether Title VII's ban on workplace sex discrimination includes bias based on sexual orientation had civil rights advocates hoping the U.S. Supreme Court would eventually declare that federal law protects gay workers, but Justice Anthony Kennedy's retirement means that's a long shot, experts say. [Read more »](#)

**Analysis**

**Kennedy's Exit Puts Climate Change Regulations On Thin Ice**

The retirement of U.S. Supreme Court Justice Anthony Kennedy throws the future of federal climate change action into doubt, as experts say a more conservative high court could not only undo or neuter its landmark decision that greenhouse gases are pollutants, but also scuttle legal challenges of governmental decisions to regulate climate change and other environmental hazards. [Read more »](#)

**Analysis**

**Kennedy Known For Careful Scrutiny Of Statutory Language**

Retiring Supreme Court Justice Anthony Kennedy is known — and will be missed — for his meticulous scrutiny of the language of the law, a characteristic that can be found in abundance in a 2008 majority opinion written by Kennedy that placed limits on who could be held liable in securities fraud class action cases, legal experts said Thursday. [Read more »](#)

**TOP NEWS**

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**Analysis**

**Presidential Power Key In Masterpiece, Travel Ban Divergence**

Ballard Spahr  
Bilzin Sumberg  
Blank Rome  
Brown Rudnick  
Bryan Cave  
Buchanan Ingersoll  
Buckley Sandler  
Cadwalader Wickersham  
Carlton Fields  
Clark Hill  
Cleary Gottlieb  
Clyde & Co  
Cooley  
Cotchett Pitre  
Covington & Burling  
Cozen O'Connor  
Cravath Swaine  
Crowell & Moring  
Davis Wright Tremaine  
Dentons  
Dorsey & Whitney  
Earthjustice  
Eckert Seamans  
Eversheds Sutherland  
Faegre Baker  
Fenwick & West  
Fisch Sigler  
Fish & Richardson  
Foley & Lardner  
Foley Hoag  
Fried Frank  
Gibson Dunn  
Greenberg Traurig  
Haller & Colvin  
Haynes and Boone  
Hochman Salkin  
Hogan Lovells  
Hueston Hennigan

Cases at the U.S. Supreme Court this term over President Donald Trump's travel ban and a baker's refusal to make a wedding cake for a gay couple involved strikingly similar claims related to religious-based animus, but ultimately diverged because the justices chose not to second-guess the president's motives, constitutional scholars said. Read more »

#### Analysis

### Nixing Trump's Favorite Trade Weapon Looks Like Long Shot

A new challenge to the expansive Cold War-era law President Donald Trump has used to slap tariffs on steel and aluminum imports will face a steep uphill climb, legal experts say, as the case will have to overcome nearly a century's worth of precedent on the constitutional separation of powers. Read more »

### Senate Panel Punts On 3rd, 11th Circ. Picks Over Tariffs

The Senate Judiciary Committee advanced several district court picks on Thursday, even as Sen. Jeff Flake, R-Ariz., has continued to stonewall advancing nominees for the Third- and Eleventh circuits until the chamber votes on a tariff measure. Read more »

### Senate Passes Farm Bill, Sets Up Clash With House

The U.S. Senate passed a five-year overhaul and reauthorization of farm subsidy and nutrition support programs Thursday, setting up a clash with the House over work requirements for the food stamp program. Read more »

## BANKING & SECURITIES

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### Deutsche Bank Unit Comes Up Short In Fed Stress Tests

The Federal Reserve Board said Thursday that Deutsche Bank Trust Corp.'s U.S. subsidiary has flunked the latest round of annual stress

Hughes Hubbard  
 Hunton Andrews Kurth  
 Jackson Lewis  
 Jenner & Block  
 Kasowitz Benson  
 Katten Muchin  
 Kelley Drye  
 Kellogg Hansen  
 Kelly Hart  
 King & Spalding  
 Kirkland & Ellis  
 Kramer Levin  
 Latham & Watkins  
 Littler Mendelson  
 Lowenstein Sandler  
 Manatt Phelps  
 Mayer Brown  
 McDermott Will  
 Milbank Tweed  
 Miller Canfield  
 Morgan Lewis  
 Morris Manning  
 Morrison & Foerster  
 Munger Tolles  
 Patterson Belknap  
 Paul Hastings  
 Paul Weiss  
 Perkins Coie  
 Polsinelli  
 Quinn Emanuel  
 Reed Smith  
 Robins Kaplan  
 Rosette LLP  
 Sanford Heisler  
 Scali Rasmussen  
 Sedgwick LLP  
 Seyfarth Shaw  
 Sidley Austin

testing over "material weaknesses" in its capital planning practices, while The Goldman Sachs Group Inc. and Morgan Stanley will have to keep buybacks and dividends steady because of side effects from last year's tax legislation. Read more »

## ENERGY & ENVIRONMENTAL

### **FERC Commissioner Powelson To Step Down In August**

Federal Energy Regulatory Commissioner Robert Powelson said Thursday he will step down in August, creating an even partisan split at the commission as it tackles weighty issues such as a pipeline policy revision and a potential U.S. Department of Energy bailout of coal and nuclear power plants. Read more »

### **Agencies Fight Tribes' Bid To Force Higher Lake Water Levels**

Several federal agencies on Wednesday urged a California federal judge to reject the Klamath Tribes' request to immediately make the government maintain certain water levels in the Upper Klamath Lake for the protection of two fish species, arguing that the tribes are unlikely to win the case. Read more »

### **NJ Town Joins Growing Resistance To Plastic Bags**

Jersey City, New Jersey, enacted an environmentally friendly ordinance Thursday banning merchants from using carryout bags made of plastic, following the lead of other Garden State towns that have identical laws in place and state lawmakers who want to curb the use of nonrecyclable takeout containers. Read more »

## IP & TECHNOLOGY

### **Senate Panel Advances Bill To Overhaul Music Licensing**

The Senate Judiciary Committee moved forward Thursday with a bill that would

Sills Cummis  
Simpson Thacher  
Skadden  
Somach Simmons  
Stroock & Stroock  
Thompson & Knight  
Vinson & Elkins

Weil Gotshal

Wiley Rein

Williams & Connolly

Willkie Farr

WilmerHale

## COMPANIES

AT&T Inc.

Airbnb Inc.

Amazon.com Inc.

American Cable Association

American Civil Liberties Union

American Electric Power Co. Inc.

American Express Company

American Federation of Government Employees

American Federation of Labor and Congress of Industrial Organizations

American Federation of State, County and Municipal Employees

American Federation of Teachers

Ansell Limited

Apple Inc.

Business Roundtable

Charter Communications Inc.

Chevron Corp.

Comcast Corporation

Concho Resources Inc.

Deutsche Bank AG

Dominion Energy Inc.

EQT Corp.

Facebook

overhaul how Spotify and other online music services pay royalties, as well as how license holders for pre-1972 hits are compensated. [Read more »](#)

## MEDIA & ENTERTAINMENT

### **Pa. Casinos Threaten To Sue Over Slot-Style Lottery Games**

The operators of Pennsylvania's casinos are threatening a lawsuit over new online lottery offerings from the state that they say violate recently adopted gambling laws by improperly replicating casino-style games. [Read more »](#)

## REAL ESTATE

### **NJ City Accused Of Anti-Trump Bias In Kushner Project Fight**

Jersey City has been slammed with a New Jersey federal lawsuit alleging municipal officials have attempted to drive out the real estate development firm owned by the family of White House senior adviser Jared Kushner as a partner in a redevelopment project because of the mayor's "political animus" toward Republican President Donald Trump. [Read more »](#)

## EMPLOYMENT

### **4 Post-Janus Developments You Need To Know**

Although the ink is barely dry on the U.S. Supreme Court's landmark Janus decision barring public-sector unions from collecting so-called fair share fees from workers, the ruling has spurred quick actions to handle the fallout, including from congressional Democrats, nearly two dozen mayors and a right-to-work nonprofit. Here, Law360 looks at four post-Janus developments to keep tabs on. [Read more »](#)

### **NJ Agency Must Turn Over Complaints In Racial Bias Suit**

First Interstate BancSystem Inc.  
First Reserve Corp.  
Goldman Sachs Group Inc.  
Google Inc.  
Honeywell International Inc.  
Huawei Technologies  
International Association of Privacy Professionals  
JPMorgan Chase & Co.  
Kaspersky Lab Ltd.  
KeyCorp  
Lambda Legal Defense & Educational Fund  
Lawyers' Committee for Civil Rights Under Law  
Lyft Inc.  
M&T Bank Corporation  
Microsoft Corporation  
Mobilite LLC  
Morgan Stanley  
NBCUniversal Inc.  
National Education Association  
National Right to Work Legal Defense Foundation  
New York Times Co.  
Oculus VR LLC  
Public Knowledge  
Sabine Oil & Gas Corp.  
Schlumberger Limited  
Service Employees International Union  
Sierra Club  
Sinclair Broadcast Group, Inc.  
Spectrum Management Holding Co.  
Spotify Technology SA  
State Street Corp.  
Stoneridge, Inc.  
Theranos Inc.

A New Jersey appeals court on Wednesday ordered two state agencies to turn over bias complaints in a racial discrimination suit against the agencies, ruling that the state's concerns about the privacy of employees who made those complaints were unfounded. [Read more »](#)

### **Mass. Gov. Signs Family Leave, Minimum Wage Bill**

Republican Massachusetts Gov. Charlie Baker on Thursday signed legislation that will gradually raise the state's minimum wage, implement a family and medical leave policy and make a sales tax holiday permanent, according to his office. [Read more »](#)

## **COMPETITION**

### **FCC Urged To Halt Sinclair-Tribune Deal Over Rules Review**

Nonprofit groups Public Knowledge and Common Cause on Thursday told the Federal Communications Commission to wait before deciding if Sinclair Broadcast Group Inc. can merge with Tribune Media Co. until after the D.C. Circuit has looked at whether the agency's viewership discounts under its UHF rule are lawful. [Read more »](#)

## **CYBERSECURITY & PRIVACY**

### **DC Circ. Expects Quick Response To Kaspersky's Stay Bid**

The D.C. Circuit on Thursday gave the federal government a little more than a week to respond to an emergency request to stay a planned ban on federal contracts for Kaspersky Lab, after the company argued the government had moved up the effective date of the ban. [Read more »](#)

### **Calif. Enacts Internet Privacy Law, Erasing Ballot Effort**

California Gov. Jerry Brown on Thursday signed a landmark privacy bill that will give

Tribune Media Co.  
Twitter Inc.  
Verizon Communications Inc.  
Wells Fargo & Co.  
ZTE Corp.

## **GOVERNMENT AGENCIES**

Bureau of Reclamation  
California Secretary of State  
Confederated Tribes and Bands of the Yakama Nation  
Congressional Budget Office  
Department of Commerce  
European Commission  
European Union  
Federal Aviation Administration  
Federal Bureau of Investigation  
Federal Communications Commission  
Federal Energy Regulatory Commission  
Federal Labor Relations Authority  
Federal Reserve System  
Federal Trade Commission  
Fish and Wildlife Service  
Florida Department of Environmental Protection  
Georgia Attorney General's Office  
Internal Revenue Service  
International Trade Administration  
International Trade Commission  
Klamath Tribes  
Massachusetts Legislature  
NATO  
National Marine Fisheries Service  
New Jersey Attorney General's Office  
Port Authority of New York & New Jersey

consumers the ability to control how online companies use and share their personal information and to request its deletion, prompting the backers of a similar but potentially more stringent privacy initiative set to appear on the November election ballot to withdraw their proposal. [Read more »](#)

## AEROSPACE & DEFENSE

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### **House Passes \$675B Defense Spending Bill**

The U.S. House of Representatives on Thursday easily passed its nearly \$675 billion bill funding the U.S. Department of Defense for 2019, while rejecting a proposal to add more funding for attack submarines, as a Senate panel approved its own version of the bill. [Read more »](#)

## INTERNATIONAL TRADE

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### **Commerce Hands Down Early Tariffs On Asian Pipe Imports**

The U.S. Department of Commerce moved to slap tariffs on imports of large-diameter welded pipes from several Asian countries, determining that producers from India, South Korea, China and Turkey had been unfairly subsidized by their respective governments. [Read more »](#)

## TAX

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### **IRS Commissioner Nominee Queried On Pass-Through Deduction**

Charles Rettig, nominee for Internal Revenue Service commissioner, was questioned Thursday by a member of the Senate Finance Committee about the 20 percent deduction for certain pass-through income included in last year's federal tax overhaul legislation. [Read more »](#)

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### **Calif. Gov. OKs Soda Tax Ban, Citing Beverage Biz Threat**

Securities and Exchange Commission

Texas Department of Parks and Wildlife

U.S. Attorney's Office

U.S. Department of Agriculture

U.S. Department of Defense

U.S. Department of Energy

U.S. Department of Health and Human Services

U.S. Department of Homeland Security

U.S. Department of Justice

U.S. Environmental Protection Agency

U.S. House of Representatives

U.S. Senate

U.S. Supreme Court

California Gov. Jerry Brown on Thursday signed a measure that blocks cities and counties from enacting taxes on soda and other sugar-filled drinks through 2030, citing the threat of a beverage industry ballot measure that went away with the swipe of his pen. [Read more »](#)

## IMMIGRATION

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### **Senate OKs Bill To Grant New Zealanders Access To E Visas**

The U.S. Senate on Thursday unanimously passed a bill that would add New Zealand to the list of countries participating in the E visa program, which allows nationals of certain foreign countries to temporarily reside in the U.S. to conduct trade and investment operations. [Read more »](#)

### **Feds Ordered To Halt Release Policy For NY Detained Minors**

A New York federal court on Wednesday ordered the federal government to pause its policy requiring the head of an immigration agency to personally review and sign off on the release of detained minors who have been held in a more restrictive setting, certifying a class of children held in the state. [Read more »](#)

### **Trump's Remarks Did Not 'Taint' DACA Rollback, 9th Circ. Told**

The Trump administration on Thursday urged the Ninth Circuit to find that, under the U.S. Supreme Court's travel ban ruling earlier this week, President Donald Trump's derogatory statements on the campaign trail regarding Mexicans similarly "did not taint" the administration's plan to end the Deferred Action for Childhood Arrivals program. [Read more »](#)

### **Pro Bono Spotlight BigLaw Jumps Into Immigration Fray**

In response to the administration's zero-tolerance and family separation policies,

BigLaw firms across the country are partnering with each other and a constellation of nonprofits to provide pro bono legal aid to parents and children seeking to be reunited and be granted asylum. [Read more »](#)

## NATIVE AMERICAN

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### **Law Enforcement Can't Stop Wash. Tribe's Fireworks Sales**

A Washington federal court on Thursday granted a request by the Confederated Tribes and Bands of the Yakama Nation for immediate relief to prevent law enforcement from halting their members from selling fireworks sanctioned by tribal permit or confiscating the merchandise. [Read more »](#)

## TELECOMMUNICATIONS

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### **FCC's O'Rielly Says Admin Hearings Wrongly Kill Mergers**

The Federal Communications Commission's administrative law judge system is one of the easiest ways to strangle a proposed media merger, Commissioner Michael O'Rielly suggested Thursday, saying in a speech that the agency's in-house review process should be scrapped. [Read more »](#)

### **Municipal Broadband May Present Free Speech Concerns**

While municipally operated broadband networks may be an attractive option after the recent net neutrality rule deregulation, an expert warned Thursday that government-run networks can raise free speech concerns. [Read more »](#)

### **Rosenworcel Offers San Jose Small Cell Deals As 5G Model**

Federal Communications Commissioner Jessica Rosenworcel is promoting contracts approved by the city of San Jose, California, for the deployment of 5G next generation broadband as a solution to

conflicts between carriers' need for access to utility poles with local governments' demand to control the terms of telecom attachments.

[Read more »](#)

### **Microsoft Urges Limited 'White Spaces' Spectrum Program**

Microsoft Corp. has urged the Federal Communications Commission to preserve the status quo on its "white spaces" project, a plan to repurpose gaps between channels to power Wi-Fi-like signals in rural areas, which has proven to be controversial with groups that have complained the tech giant never participated in auctions and therefore isn't entitled to spectrum. [Read more »](#)

## **EXPERT ANALYSIS**

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Series

### **From Lawmaker To Lawyer: Prioritizing Is Always Key**

Today, members of Congress often seem able to blame colleagues of the other party for not getting anything done for their constituents. In law practice, you can't really blame a bad result for your clients on the lawyers on the other side, says former Sen. Joe Lieberman, D-Conn., of Kasowitz Benson Torres LLP. [Read more »](#)

### **The E-Sign Act: 18 Years And All Grown Up**

As the Electronic Signatures in Global and National Commerce Act — signed by President Bill Clinton on June 30, 2000 — reaches the age of maturity after being tested in the courts, and as more employers adopt or broaden their use of electronic signatures, now is a good time to review the basic requirements and lessons learned from the developing case law, says August Heckman of Morgan Lewis & Bockius LLP. [Read more »](#)

### **Trump V. Hawaii Left To The 'Moral Judgments Of History'**

In *Trump v. Hawaii*, the U.S. Supreme Court recently found that Congress “delegated” to the president the *far* *comprehensive* power to suspend the entry of any noncitizens whose admission he found “detrimental” to American interests. The crux of the majority’s decision: No fig leaves here, says Joseph Tartakovsky, the James Wilson fellow in constitutional law at the Claremont Institute. [Read more »](#)

### **After Janus, Employers Should Proceed With Caution**

The long-awaited decision in *Janus v. AFSCME* was the second within a month in which the U.S. Supreme Court ruled against unions, putting employers in a strong position at the bargaining table. But if employers appear too eager to exploit the moment, they risk facing a backlash, say Jack Schaedel and Christian Scali of Scali Rasmussen. [Read more »](#)

### **What You Should Know About The 24/7 Cybercrime Network**

The CLOUD Act raises the possibility of agreements between the U.S. and EU on law enforcement access to digital evidence, and the EU’s proposed “e-evidence” regulation would streamline law enforcement access to data among its 28 member states. These two actions will greatly change the way that the G7’s 24/7 Cybercrime Network operates, says Chris Ott of Davis Wright Tremaine LLP. [Read more »](#)

### **IRS Delivers Double Whammy To Owners Of Escheated IRAs**

Custodians of individual retirement accounts that escheat to the state will soon be required by the IRS to withhold 10 percent for federal income tax and report the escheatment as a taxable distribution to the owner. It is unclear whether the new rules provide any relief from the taxes and penalties these IRA owners may

face, says Daniel Morgan of Blank Rome LLP.  
[Read more »](#)

## LEGAL INDUSTRY

### **Paul Hastings, Cadwalader Move On Associate Pay Raises**

Cadwalader Wickersham & Taft LLP, Paul Hastings LLP and Thompson & Knight LLP were among the firms that said they would be joining the trend of hiking salaries and offering mid-year bonuses for associates, according to internal memos made public on Thursday.

[Read more »](#)

### **Sedgwick Faces New, \$23M Landlord Suit Over NY Lease**

The owner of the building that housed Sedgwick LLP's New York financial district office said the now-defunct law firm missed a payment related to the early termination of its lease and, as a result of the breach of contract, owes \$23 million, according to a suit filed in state court just days after the landlords of its Chicago office made similar claims. [Read more »](#)

### **Foley Hoag Extends 18-Week Leave Policy To All Parents**

Foley Hoag LLP has announced that it is implementing a new parental leave policy that offers up to 18 weeks off in the 12 months after the birth or adoption of a child for all parents, regardless of whether they are the primary caregiver or not. [Read more »](#)

### **V&E Attys Hurt In Boat Crash, Partner Pilot Faces Questions**

A Vinson & Elkins LLP partner was hit with an arrest warrant earlier this month over his alleged role piloting a boat that crashed in Travis County, Texas, injuring three of his fellow partners, according to documents filed in state court, though the warrant has reportedly since been rescinded. [Read more »](#)

## **Law360's Weekly Verdict: Legal Lions & Lambs**

Williams & Connolly LLP partner Kannon Shanmugam landed on the legal lions list after the U.S. Supreme Court granted review on three of his cases during the past week, while attorneys at Haynes and Boone and Skadden ended up legal lambs after a judge slashed client ZeniMax's \$500-million intellectual property verdict in half. [Read more »](#)

### **JOBS**

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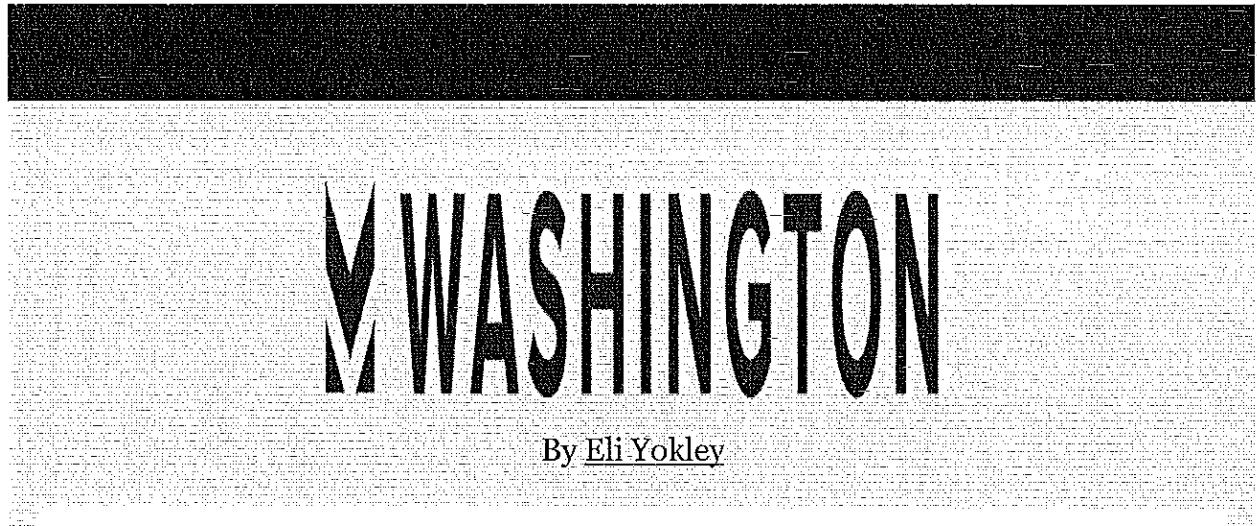
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**From:** Morning Consult  
**Sent:** Friday, June 29, 2018 9:05 AM  
**To:** Rep93  
**Subject:** Morning Consult Washington: White House Reportedly Hopes to Pick Supreme Court Nominee Before July 10



## Top Stories

- Trump hopes to select his Supreme Court nominee to replace Anthony Kennedy before he departs for Europe on July 10, according to two people. White House attorney Don McGahn should reportedly start interviewing candidates early next week, with the aim of having the new justice join the court in early October, before its next term. ([Politico](#))
- President Donald Trump is speaking with his advisers about people who could replace chief of staff John Kelly, who doesn't expect to remain in his post beyond July 31, according to people familiar with the issue. Two potential successors are reportedly Nick Ayers, chief of staff to Vice President Mike Pence, and Mick Mulvaney, head of the Office of Management and Budget and

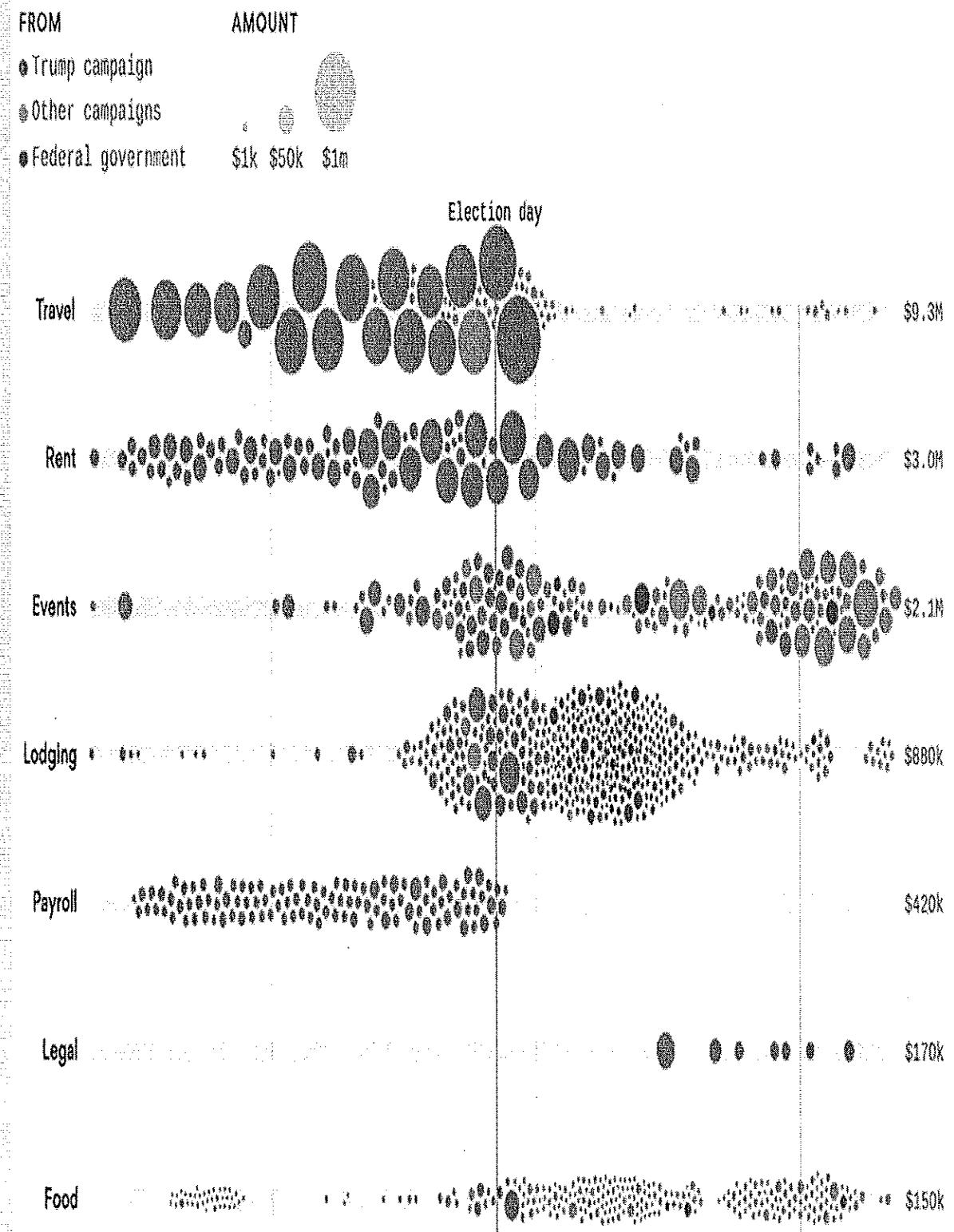
acting director of the Consumer Financial Protection Bureau. ([The Wall Street Journal](#))

- The House Ethics Committee publicly announced that it had voted unanimously to open a probe into whether Rep. David Schweikert (R-Ariz.) or his chief of staff authorized possible misspending or received illegal campaign contributions. The rare move from the secretive panel follows an investigation by the House Office of Congressional Ethics. ([Arizona Republic](#))

## Chart Review

**By the numbers: How Trump properties profited from his presidency**  
**Axios**

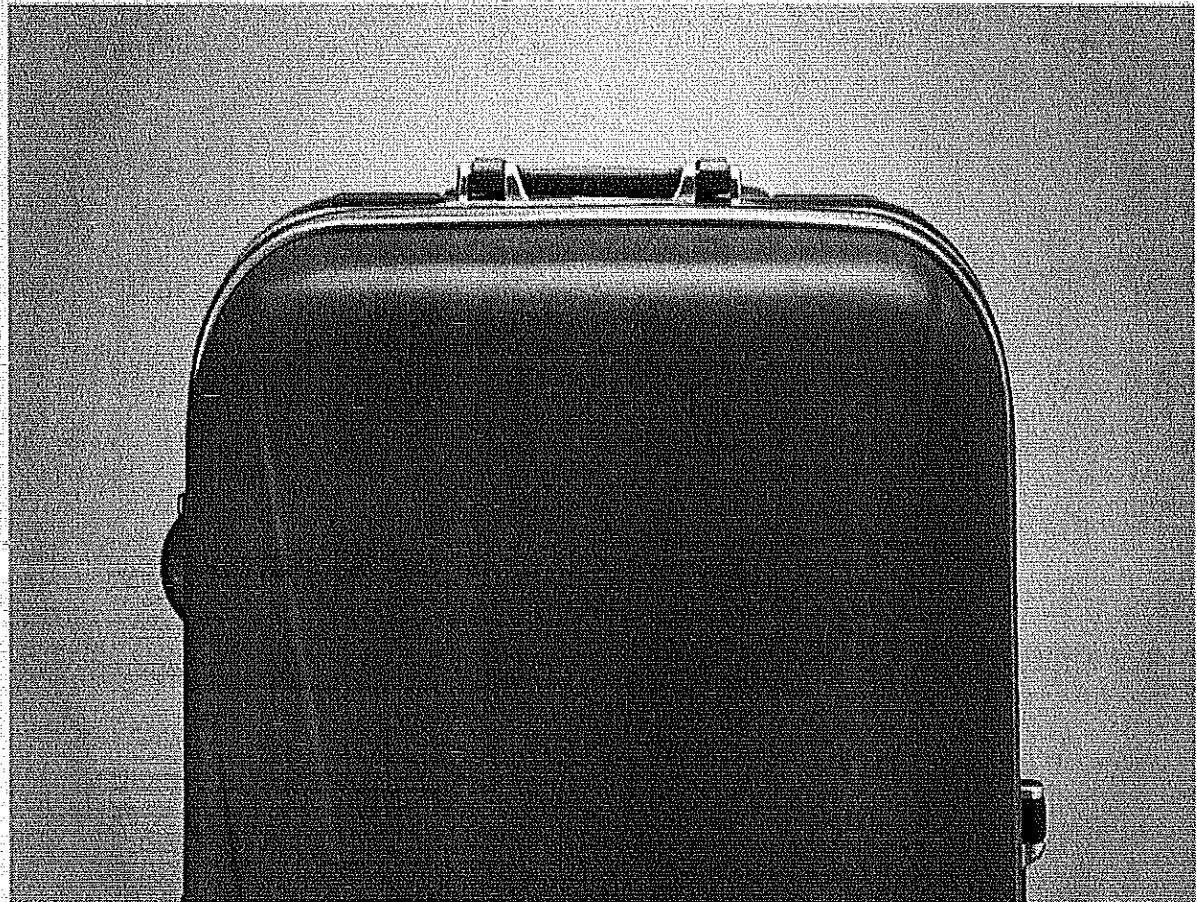
## Spending at Trump properties



## **Events Calendar (All Times Local)**

### **FRIDAY**

No events scheduled



# **Report: The State of American Travel 2018**

Consumer insights on vacationing, transportation, and accommodation. This report features brand tracking data on airlines, hotels, and more.

## **General**

### **White House wants Trump to nominate a justice before Putin trip**

**Nancy Cook, Politico**

The White House hopes to have a Supreme Court nominee chosen by the time President Donald Trump leaves for his European trip on July 10, according to one Republican close to the White House and one person involved with the judicial selection process. The White House is expected to start interviewing candidates early next week, with the White House's top attorney, Don McGahn, leading that process.

### **Agents Seek to Dissolve I.C.E. in Immigration Policy Backlash**

**Ron Nixon, The New York Times**

At least 19 Immigration and Customs Enforcement investigators are seeking to dissolve the agency, concerned that the Trump administration's crackdown on illegal migrants has limited their ability to pursue national security threats, child pornography and transnational crime. In a letter sent last week to Kirstjen Nielsen, the homeland security secretary, the special agents proposed creating a stand-alone investigations unit and another agency to handle immigration detention and deportation.

### **Congress heads home without passing immigration bill**

**John Parkinson, ABC News**

Despite debating immigration reform all month long, Congress is punting the issue to next month as lawmakers head home for barbeques, fireworks and parades over the Independence Day recess. Even though lawmakers rejected two votes on competing Republican proposals this month, congressional leaders insist the effort to solve the country's immigration problems is not over, particularly to produce a legislative solution to keep immigrant families together in line with the president's executive order.

### **Democrats Pivot to Making Trump's Court Pick an Election Issue**

**Laura Litvan, Bloomberg**

With little chance of thwarting President Donald Trump's eventual Supreme Court pick, Democrats are pivoting to frame the confirmation battle as an issue in fall elections that will decide control of Congress. Speaking a day after Justice Anthony Kennedy announced he would retire, Minority Leader Chuck Schumer said Trump's nominee could overturn Obamacare protections for people with pre-existing conditions, an emerging issue in Democratic election-bids, and abortion rights.

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## **Presidential**

### **Trump Consults on Successors for Chief of Staff John Kelly**

**Rebecca Ballhaus and Peter Nicholas, The Wall Street Journal**

President Donald Trump is consulting with advisers about whom he should tap as his next chief of staff, with John Kelly expected to depart the administration as early as this summer, possibly soon, according to people familiar with the matter. The two front-runners for the job, the people said, are Nick Ayers, who serves as chief of staff to Vice President Mike Pence, and Mick Mulvaney, who heads the Office of Management and Budget as well as serving as acting director of the Consumer Financial Protection Bureau.

**Obama: 'You are right to be concerned'**  
**Edward-Isaac Dovere, Politico**

Barack Obama's message to Democrats: Stop dreaming of him. Speaking at a Democratic National Committee fundraiser Thursday in the lush backyard of two Beverly Hills megadonors, Obama warned of a country and world on the brink - "you are right to be concerned," he told the crowd - but said they'd flub their chance to change that if they kept pining for a magical savior.

**Inside the White House's Quiet Campaign to Create a Supreme Court Opening**  
**Adam Liptak and Maggie Haberman, The New York Times**

President Trump singled him out for praise even while attacking other members of the Supreme Court. The White House nominated people close to him to important judicial posts. And members of the Trump family forged personal connections. Their goal was to assure Justice Anthony M. Kennedy that his judicial legacy would be in good hands should he step down at the end of the court's term that ended this week, as he was rumored to be considering.

**Melania returns to US-Mexico border amid separation outcry**  
**Laurie Kellman, The Associated Press**

Melania Trump returned to the border Thursday to meet face-to-face with those dealing with her husband's hardline immigration policies firsthand. "I'm here to support you and give my help, whatever I can" on "behalf of children and the families," Mrs. Trump said as she sat down with officials at a U.S. Border Patrol facility in Tucson, Arizona- her first stop.

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## **Senate**

**Cornyn: Supreme Court confirmation vote likely after Labor Day**

**Elana Schor, Politico**

The second-ranked Senate GOP leader on Thursday suggested the Supreme Court confirmation vote to replace Anthony Kennedy would take place sometime in September, saying he "would be shocked" if the vote happened before Labor Day. Majority Whip John Cornyn (R-Texas) added that he is "not opposed" to moving President Donald Trump's nominee more quickly, but he noted that background checks on Trump's still-unnamed pick are likely to take time.

**Senate leaders trade barbed words over Supreme Court**

**Catherine Lucey and Lisa Mascaro, The Associated Press**

The Senate battle over Donald Trump's Supreme Court nominee is off to a fiery start - even before the president makes his choice. Republican and Democratic leaders traded accusations and barbed comments Thursday on the new vacancy, abortion rights and the debate to come.

**'Everyone is focused on Lisa and Susan': The two most powerful senators in the fight to replace Kennedy**

**Seung Min Kim, The Washington Post**

The Democrats' hopes of sinking President Trump's upcoming nominee for the Supreme Court hinge on a pair of Republican women who have broken with their party over abortion and dismantling the Affordable Care Act. With the GOP holding a 51-to-49 majority in the Senate, the votes of Sens. Lisa Murkowski (Alaska) and Susan Collins (Maine) will almost certainly be needed for Trump's eventual nominee to be confirmed, making them the most influential senators in the battle to replace Justice Anthony M. Kennedy, who announced Wednesday that he is retiring.

**Senate Passes \$867 Billion Farm Bill, Omitting House's Food-Stamp Work Requirements**

**Heather Haddon and Siobhan Hughes, The Wall Street Journal**

The Senate passed a five-year bill to reauthorize farm programs, aiming to complete work important to a key GOP constituency well before the midterm elections. The Senate bill, which passed by 86-11 on Thursday, omits controversial food-stamp work requirements passed in the House's version of the bill.

**GOP senators headed to Moscow to smooth things over with Putin**

**Susan Ferrechio, Washington Examiner**

A group of Senate Republicans is headed to Moscow Thursday night in a bid to "lessen some tensions" with Russian President Vladimir Putin and other top leaders. Senate Appropriations Committee Chairman Richard Shelby, R-Ala., said the group hopes to meet with both Putin and the Foreign Minister Sergey Lavrov.

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## **House**

**House ethics panel opens review of Rep. David Schweikert and his chief of staff**

**Ronald J. Hansen, The Arizona Republic**

The House Ethics Committee has unanimously voted to create a panel to investigate possible misspending authorized by U.S. Rep. David Schweikert or his chief of staff. The rare decision, made earlier this month and publicly announced Thursday, escalates the seriousness of the alleged violations involving the four-term Arizona Republican. But given the committee's usual work pace, the public may know little more about the matter until well after the November elections.

**House Republicans Hope to Resuscitate Immigration Issue**

**Lindsey McPherson, Roll Call**

House Republicans' thorniest issue, immigration, is not going away after Wednesday's embarrassing defeat of their "compromise" bill. GOP

leaders are planning votes in July on two more narrow bills that are also not guaranteed to pass.

**Rep. Pramila Jayapal arrested at D.C. protest of Trump's 'zero tolerance' border policy**

**Jim Brunner, Seattle Times**

U.S. Rep. Pramila Jayapal, D-Seattle, was arrested Thursday with hundreds of other women at a Capitol Hill protest of the Trump administration's border and immigration policies. Jayapal said she'd been asked to speak at a demonstration by women at the Hart Senate Office Building.

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## **States**

**California passes nation's toughest online privacy law**

**Jessica Guynn, USA Today**

Consumers will be granted sweeping new online privacy protections under a first of its kind California law signed by Gov. Jerry Brown Thursday. The new law is the nation's toughest and could serve as a model for other states.

**NJ government shutdown: Phil Murphy preparing to close state 'if logic doesn't prevail'**

**Dustin Racioppi, NorthJersey**

Gov. Phil Murphy seems unwilling to accept the revenue suggestions of fellow Democrats in the Legislature to end a budget dispute and said he is preparing contingency plans that include a government shutdown if the impasse persists. In two public appearances Thursday, Murphy reiterated his commitment to including two major revenue sources he unveiled in his \$37.4 billion budget in March: raising tax rates on millionaires and restoring the sales tax to 7 percent.

**Lobbyist Todd Howe was 'eyes and ears' for Cuomo's office, former aide testifies**

**Tim Knauss, Syracuse Post Standard**

Gov. Andrew Cuomo has distanced himself from lobbyist Todd Howe ever since Howe emerged in 2016 as the central figure in a corruption scandal that is still unfolding in federal court. But Howe was paid \$300,000 a year by a state college to be the governor's "eyes and ears" in the office of Alain Kaloyeros, the temperamental former head of SUNY Polytechnic Institute.

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**Advocacy**

**Parents of Parkland shooting victims unite for safer schools**

**Dennis Romero, NBC News**

A tight-knit group of parents and relatives of the victims of the school shooting in Parkland, Florida, launched a nonprofit group Thursday to push for sensible gun laws, increased school security and mental health intervention for those who might lash out violently. The group, Stand With Parkland, wants to prevent another massacre like the one that claimed the lives of 14 students and three school employees Feb. 14 at Marjory Stoneman Douglas High School in Parkland, northwest of Fort Lauderdale.

**Brownstein Hyatt snags McGuireWoods tax lobbyists**

**Theodoric Meyer and Marianne Levine, Politico**

Brownstein Hyatt Farber Schreck has tapped McGuireWoods Consulting's Russ Sullivan, Harold Hancock and Rosemary Becchi to start a tax policy practice within its government affairs division. They'll start in July.

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## **Opinions, Editorials and Perspectives**

### **It's Not Over If and When It's Over**

**Jackie Bezos, Morning Consult**

Like many Americans, the desperate cries of the young children separated from their families at the U.S.-Mexico border continue to reverberate in our minds. As researchers, we are deeply concerned about the well-being of these children, and we know, based on science, what we can do to help.

### **Trump is kowtowing to the Kremlin again. Why?**

**Editorial Board, The Washington Post**

The reasons for the tension between the United States and Russia are well-established. Yet on Wednesday in the Kremlin, President Vladimir Putin brushed it all aside and delivered the Russian "maskirovka," or camouflage, answer that it is all America's fault.

### **Trump and Putin, Best Frenemies Forever**

**The Editorial Board, The New York Times**

It's good for American presidents to meet with adversaries, to clarify differences and resolve disputes. But when President Trump sits down with President Vladimir Putin of Russia in Finland next month, it will be a meeting of kindred spirits, and that's a problem.

### **Harry Reid, Republican Mastermind**

**The Editorial Board, The Wall Street Journal**

*Schadenfreude* is overrated, but it is amusing to see Democrats apoplectic that Republicans might confirm a Supreme Court Justice with 51 Senate votes. Let's review the tape on the Sage of Searchlight, Nevada, because Harry Reid made this moment possible by blowing up the filibuster for judicial nominees.

## **This Is the World Mitch McConnell Gave Us**

**Alec MacGillis, The New York Times**

There is an unusual space in the basement of the University of Louisville library, in the large anteroom to the official archives for Senator Mitch McConnell. The space is called the Civic Education Gallery, but it is, essentially, a kind of shrine to the political career of Mr. McConnell, not unlike the exhibits on Babe Ruth or Hank Aaron you'd find at the Baseball Hall of Fame.

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## **Research Reports and Polling**

### **The Uncertain Political Ramifications of Justice Kennedy's Exit**

**Larry J. Sabato et al., Sabato's Crystal Ball**

An already turbulent national political environment was rocked by another major development Wednesday afternoon: Justice Anthony Kennedy, the closest thing there is to a swing vote on the Supreme Court, decided to retire. President Donald Trump, who already got to appoint conservative Neil Gorsuch to the court after Senate Republicans decided not to consider then-President Barack Obama's replacement for the deceased Antonin Scalia in early 2016, is now poised to pick a second justice, and one who likely will push the court further to the right.

### **Shifting Public Views on Legal Immigration Into the U.S.**

**Pew Research Center**

While there has been considerable attention on illegal immigration into the U.S. recently, opinions about legal immigration have undergone a long-term change. Support for increasing the level of legal immigration has risen, while the share saying legal immigration should decrease has fallen.



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## SAUL'S NEWSSTAND

More political news, faster. Curated by Saul Anuzis

### [www.saulsnews.com](http://www.saulsnews.com) Saul's News - Weekly Review July 1st, 2018

#### Happy Birthday America!

Supreme Court: What a week!?! Justice Kennedy announced his retirement giving President Trump an opportunity to appoint a solid conservative on the court that will hold up the principles enshrined in our constitution...rather than rewrite it.

Then the Supreme Court passed the Janus decision, finally giving government workers the right to choose whether or not to pay union dues. With municipal unions blindly backing Democrats with their union dues, this gives workers the ability to make their own decisions when it comes to politics. This is huge!

Attempted Entrapment: Stunning, as the Obama Administration's political hacks attempted to entrap members of the Trump campaign in what clearly is becomely decided clear political gamesmanship. This kind of activity threatens our democracy at its core. "Spygate" is worse than "Watergate" because of the brazen political bias and intent to stop the election of a major party's nominee...regardless of who that person is. Offenders should be prosecuted to the fullest extent of the law.

Democratic Ideas: Think about this, from union dues to Obamacare, liberal ideas are so good they have to use government to force you to buy them?!? A bankrupt party?

The Democrats have Lost It: Congresswomen Maxine Waters and Nancy Pelosi now represent the mainstream of the Democratic Party...which is truly unbelievable! Elections have consequences, they lost, and the Trump Administration is implementing their promises, their policy. If the liberal/progressive left disagrees, harness the intellectual power of the liberal left, make your case to the American people for open borders, catch and release, higher taxes, less jobs, civil disobedience, racism and going backwards....and let the American people decide at the ballot box. I think we are in the midst of a second American Revolution, the difference is conservatives and normal Americans are willing to fight it at the ballot box rather than at the end of barrel or a flying brick.

The progressive left wing Democratic Party has gone too far. They've lost any semblance of civil discord. They openly finance, encourage and defend anything from near domestic terrorism by individual with Antifa - Black Lives Matter to MS-13, to riots in the streets, to an invasion of illegal immigrants across our border to our own law enforcement, intelligence services and IRS targeting U.S. citizens for political reasons.

An Obama/Clinton legacy that will be a shockingly disturbing chapter in America's history.

Why Share This Newsletter: I've had a few questions over the last few weeks as to why I share various information and news stories via this newsletter and online.

I want activists to engage. I email this newsletter every Sunday to about 16,000 activists, reporters, pundits and other folks who care. It's free...it's a collection of some of the key stories for the week that help inform and move the debate forward.

The goal is to give a conservative perspective, facts to fight the left and to motivate Americans to engage in the debate over public policy that matters.

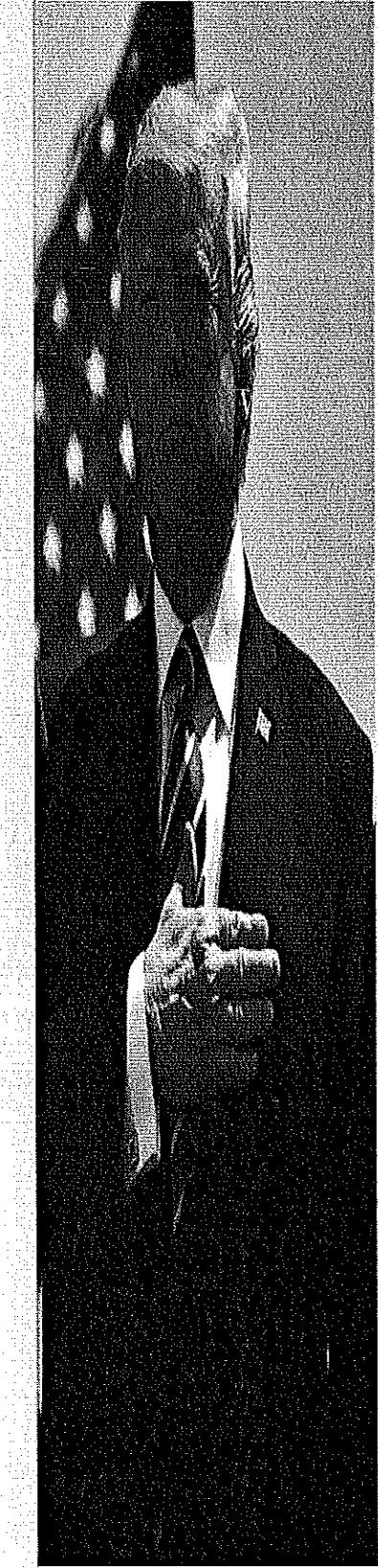
I also want to help expose the radical left wing propaganda as just that. The tactics and willingness of so many on the left to lie, distort, threaten and destroy civil discourse is dangerous. Too many have lost the ability to agree to disagree and have a rational disagreement over policy and politics.

We need to tone it down...get back to a battle over ideas...let both sides express themselves in civil discourse. Leave the bats, bottles, masks and race baiting name calling at home.

So I hope it helps, informs and motivates...for it's a fight worth fighting.

Keep the faith!

-Saul Anuzis



**Trump's poll numbers are surging as he faces some of the biggest controversies of his presidency**

- President Donald Trump has faced intense, sustained media and political backlash to his immigration policies.
- But amid the controversies, Trump's approval is near a high at 45%. That's about what President Barack Obama was polling at this stage in his presidency.
- Many in the US don't trust the media, potentially explaining why the outrage on news programs hasn't shown up in polling.

[Text Link](#)



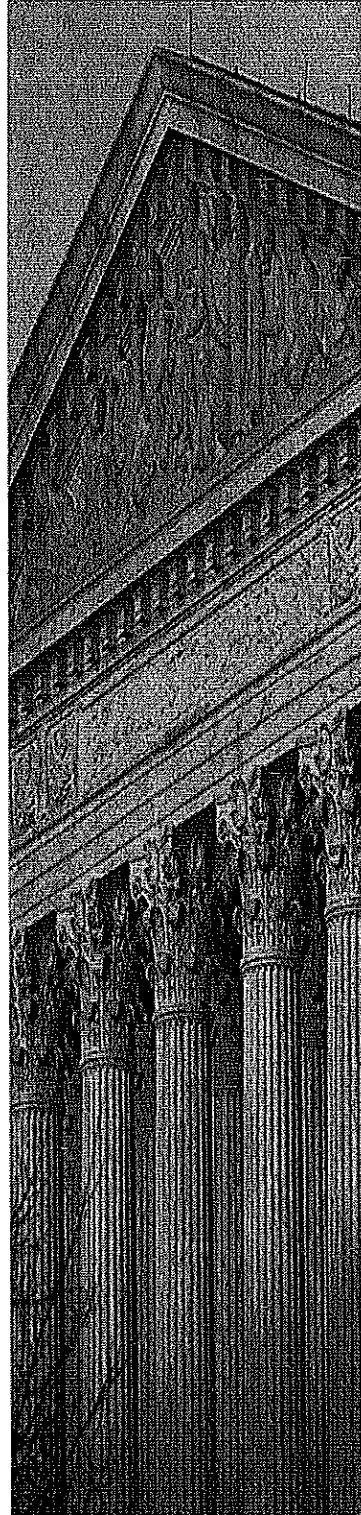
## Huge News...Government Workers 'Free At Last'

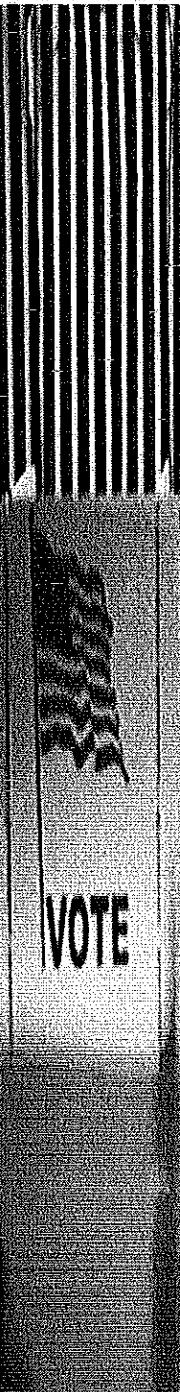
Rank and file government workers won big over union bosses Wednesday when the U.S. Supreme Court ruled 5-4 in favor of Mark Janus, an Illinois state worker who refused to join the American Federation of State, County, and Municipal Employees. The court struck down an Illinois law that allowed the union to deduct fees from Janus's paycheck despite his refusal to join.

The Janus ruling smashes laws in 22 states -- including New York, Connecticut, New Jersey and California -- that compel nonmembers to support unions. Until now, if you wanted a government job in these states, you had to pay up. But now firefighters, teachers and other public employees won't have to fork over a penny to a union if they choose not to join. For the average worker who opts out, it will mean hundreds of dollars more in take-home pay a year.

More in workers' pockets, less in union coffers. Nationwide, unions are expected to forfeit hundreds of millions of dollars when nonmembers stop paying and some members quit to save money, too.

[Text Link](#)





## Midterm turnout surges for both parties

A surge in voter enthusiasm has prompted millions more Democrats to cast ballots in primary elections this year, a turnout explosion ahead of midterms..

[Text Link](#)

## The Democrats Are Done Pretending to Be Moderate

They think they're unpopular because they aren't left-wing enough.

The Democratic love of socialism was for many years the love that dared not speak its name. No more. Now the party is figuratively jumping on Oprah's couch shouting its love of socialism. You'd have to plug your ears not to hear it.

Socialist Bernie Sanders is unquestionably the spiritual leader of the Democratic party, which is radicalizing itself in his image, and on the strength of her blowout Democratic-primary win over liberal incumbent Joe Crowley in the party-ruled NY-14 congressional district, soon-to-be-congresswoman Alexandria Ocasio-Cortez is now one of the most prominent faces in the Democratic party. A poll last fall put support for socialism at 44 percent among Millennials, and even more disturbingly, 23 percent of this group agreed that Joseph Stalin is a "hero." Socialized medicine; i.e., Medicare for all, is the hottest issue on the Left (unless you count hating Trump as an "issue").

[Text Link](#)





## After Its Hard Left Turn, Will Democratic Party Officially Admit It's Socialist?

Progressives: The shocking primary victory of 28-year-old socialist Alexandria Ocasio-Cortez over Congress' No. 4 Democrat Joe Crowley, underscores what we have long noted: The Democratic Party is no longer a party of moderation, but a party of the extreme left. And it's moving ever faster and farther leftward with each election cycle.

The 57%-42% drubbing of Crowley looks like the death knell not just for his political career, but for that of his mentor House Minority Leader Nancy Pelosi. Crowley, after all, was the hand-picked successor to Pelosi. He had outraised his far younger opponent by 10-to-1.

Ocasio-Cortez isn't a make-believe socialist; she belongs to the Democratic Socialists of America. And she had the backing of Bernie Sanders' "Our Revolution" political group. "Our Revolution"? Do they want a civil war? It's a real concern. A new Rasmussen poll shows 31% of Americans think a civil war is likely soon, while 59% fear violence from Trump haters.

That's scary.

[Text Link](#)

## **Early FBI contacts with Trump campaign officials analyzed; 'Efforts to manufacture evidence'**

Lee Smith at Real Clear Investigations has a lengthy analysis of the early contacts with Trump campaign official prior to the official launch of the FBI's counterintelligence probe known as "Crossfire Hurricane."

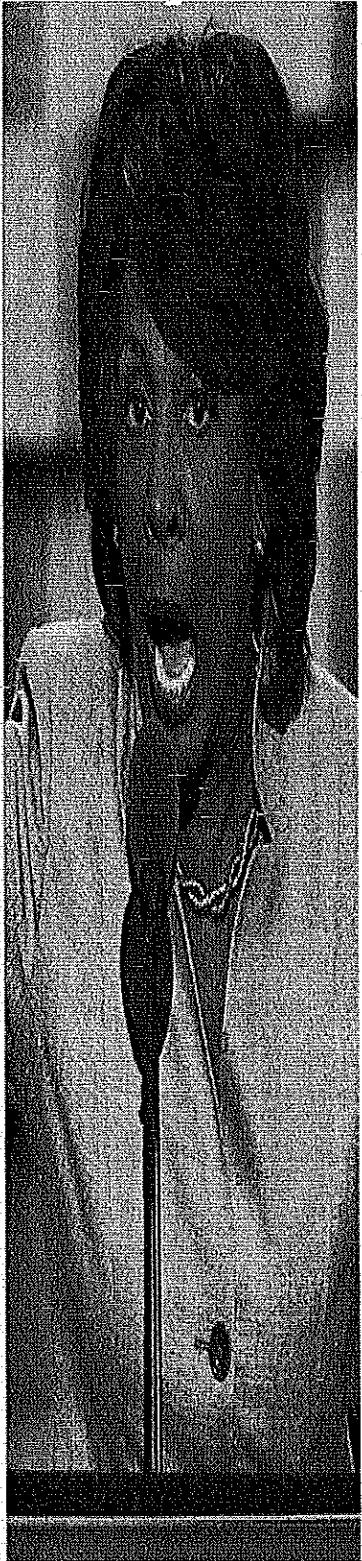
How extensive the FBI or other US intelligence/law enforcement agencies' contacts with Trump campaign advisers were prior to the July 31, 2016 start date for the official investigation has been a great mystery for journalists and congressmen willing to ask.

Congressman Devin Nunes, the Chairman of the House Intelligence Committee has been trying to get to the bottom of these contacts and the exact origin of the FBI probe for several months and has still been met with stonewalling from the Justice Department.

Smith has detailed as many as seven contacts with Trump campaign figures that have been made public:

[Text Link](#)





## Days of Rage: There is no limiting principle on leftist fury.

American politics is taking a dangerous turn. Or, I should say, American politics is taking a dangerous turn again. In the space of a few days last week, leftist protesters individually targeted trump aide Stephen Miller, taunted Secretary of Homeland Security Kirstjen Nielsen in a restaurant and at her home, mocked (and allegedly spat at) Florida attorney general Pam Bondi at a movie theater, and denied service to Trump press secretary Sarah Huckabee Sanders at a restaurant in Lexington, Va.

Make no mistake, this is provocative rhetoric. Angry, in-your-face confrontations dramatically increase the chances of violence. Put people in close proximity, yelling and spitting, and public officials will rightly start to fear that they're in physical danger. While millions of Americans don't remember that a Bernie Sanders supporter last year tried to assassinate a significant portion of the GOP Congress, you can be assured that not a single Republican in Washington has forgotten. They can never be sure that the screaming person in front of them doesn't mean them physical harm.

[Text Link](#)



## **Maxine Waters advances a liberal strategy with her call for mob action**

With the appalling news of the past few weeks of mobs attempting to harass and intimidate President Trump's female Cabinet members and staff, the inclination is to believe that this remarkable behavior, so antithetical to American values, is the result of a lack of leadership in the Democratic Party.

Yet, the organized nature of the attacks, combined with liberal political and legacy media rhetoric, makes clear this is not some sort of organic turn of events. Having come from the left, I can tell you everything liberals do is organized around the principle of personalizing, punishing and polarizing; it's the only thing they know how to do and is a required skill when you can't persuade people on the details of the issues and have no actual policy solutions.

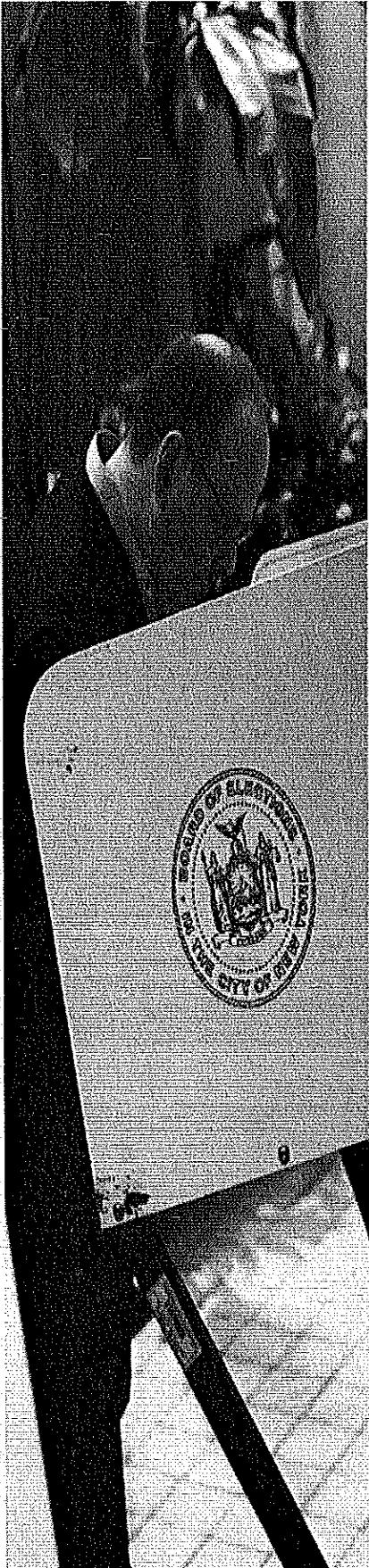
While some were calling for an end to this classically fascist behavior, Rep. Maxine Waters, California Democrat, decided more mob action would be good. Ms. Waters spoke to a group in Los Angeles and did not call for an end to the menacing; instead, she encouraged it.

Real Clear Politics reported, "She said cabinet members and highly visible Trump enablers should expect harassment at restaurants, gas stations, shopping places, and even their homes, 'Already you have members of your cabinet that are being booed out of restaurants. We have protesters taking up at their house who are



saying, 'No peace, no sleep. No peace, no sleep ...? 9 Waters finished with a call to action: 'If you see anybody from that cabinet in a restaurant, in a department store, at a gasoline station, you get out and you create a crowd. You push back on them. Tell them they're not welcome anymore, anywhere!' "

[Text Link](#)



## Crazy Left Wins a Big One! Crowley stunner tops huge night for left

Veteran Rep. Joe Crowley's (D-N.Y.) stunning defeat on Tuesday night rocked the political world, as progressive candidates stormed to victory in primaries held across the country. Crowley, the chairman of the House Democratic caucus who was seen as a potential future speaker, lost in a massive upset to progressive challenger Alexandria Ocasio-Cortez, a 28-year-old organizer for Sen. Bernie Sanders's (I-Vt.) presidential campaign.

Other liberal candidates won primary challenges in top House and gubernatorial races. Former NAACP President Ben Jealous, who was endorsed by Sanders, won the Democratic primary in Maryland's governor race. And activist Dana Balter won her House primary in upstate New York.

Those victories illustrate that voters have an appetite to buck the political establishment, as progressives seek to move the Democratic Party farther to the left.

[Text Link](#)

## The Left Tries To Blame Trump For Their Own Hate Mongering

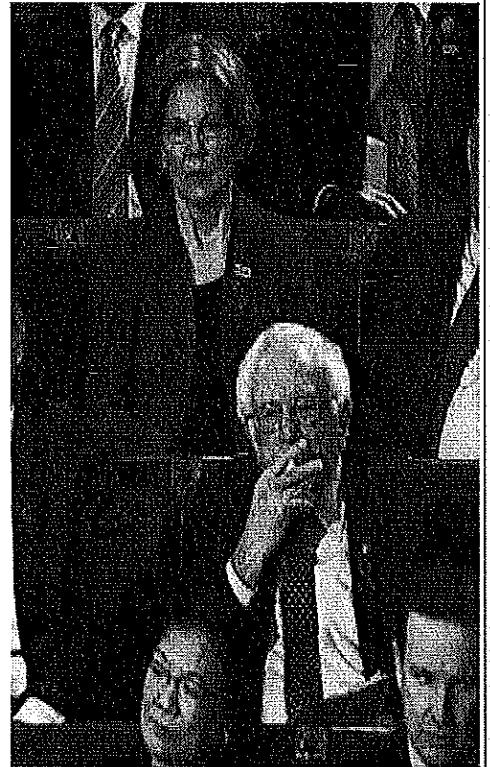
Civil Society: When not worrying that its increasingly hostile anti-Trump antics might backfire on Democrats, the left is busy blaming President Trump's own incivility for the ferocity of their attacks. But this is exactly how the left treats all conservatives, rough-hewn or not.

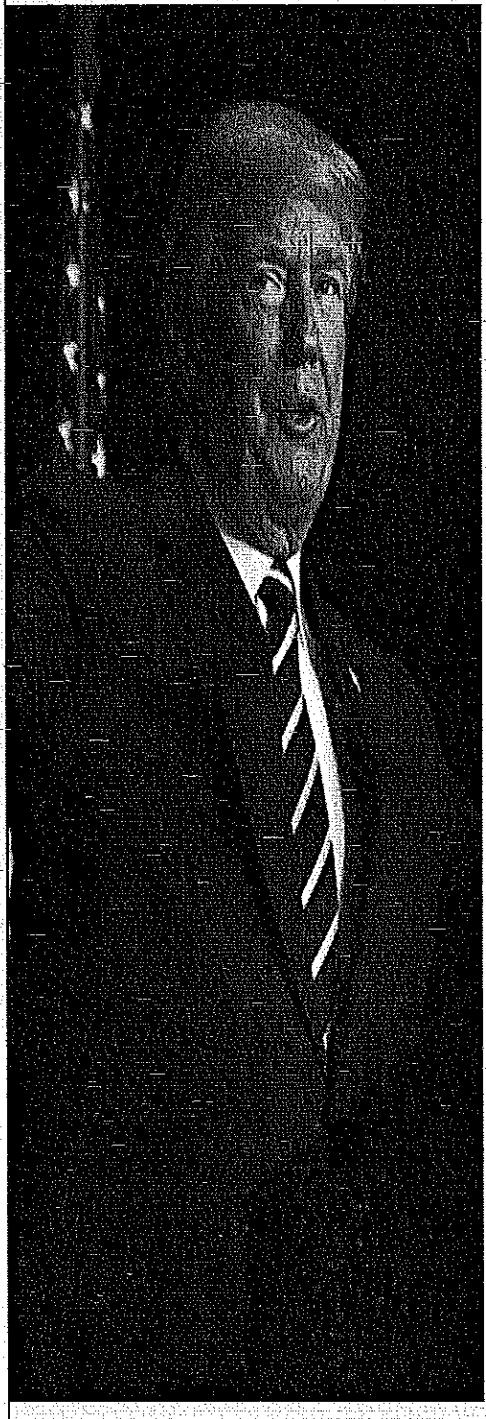
After a week in which a celebrity called for the abduction of the president's young son, a restaurant kicked out Trump's spokesman, and a mob harassed the Homeland Security secretary, Democrats are starting to wonder if their "resistance" is getting out of hand — while refusing to take any blame for it.

House Minority Leader Nancy Pelosi managed to perfectly encapsulate this when she said "Trump's daily lack of civility has provoked responses that are predictable but unacceptable."

The blame-Trump-first meme has been catching on fast.

[Text Link](#)





## As days pass, will Trump waste another chance to build the wall?

Building a wall on the U.S.-Mexico border was Donald Trump's premier campaign promise, and he is running out of chances to keep it.

Trump has been president for nearly a year and a half, and has not yet won anywhere near the funding needed to build the wall along the 1,000 or so miles of border that he pledged to voters. Now, there are two Republican immigration bills in the House, each of which would provide around \$25 billion for the wall, and Trump has blown them both off, saying he'd rather try again after November's midterm elections.

"Republicans should stop wasting their time on immigration until after we elect more Senators and Congressmen/women in November," Trump tweeted Friday. "Dems are just playing games, have no intention of doing anything to solve this decades old problem. We can pass great legislation after the Red Wave!"

Now, it is entirely possible Republicans will keep control of the House and Senate. It's also possible they will lose. But does anyone believe the GOP will gain enough seats to pass difficult legislation without somehow settling their internal disputes? Unlikely.

And of course Democrats are playing games with immigration. They still will be after the election, no matter what happens.

[Text Link](#)

## **Even Europe is Securing Their Borders...EU leaders reach migration deal after marathon talks in Brussels**

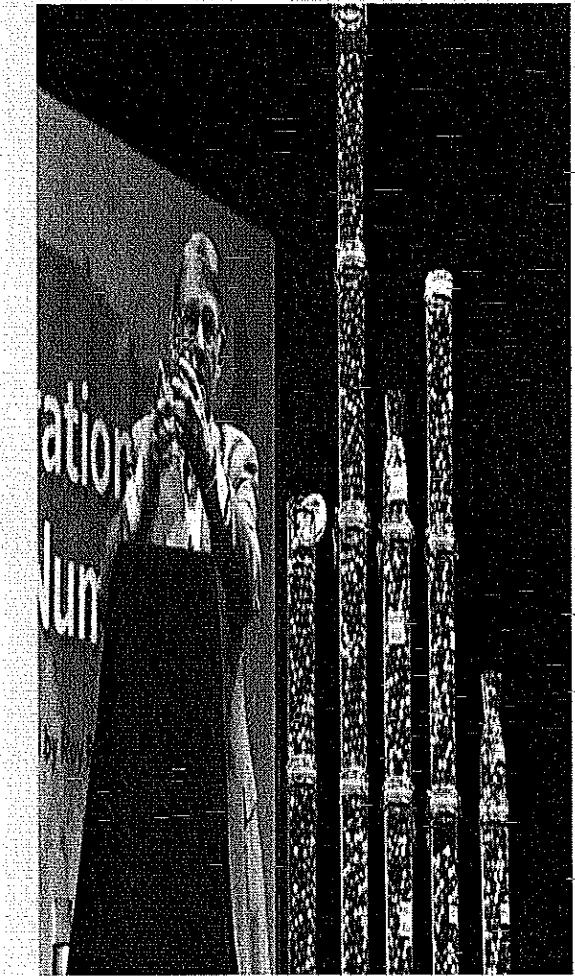
European Union leaders reached a breakthrough deal on migration after all-night talks in Brussels, European Council President Donald Tusk announced on Friday.

The agreement has been billed as "make or break" for German Chancellor Angela Merkel's future in office amid a dispute with her hardline Interior Minister Horst Seehofer.

Read what's happened so far:

[Text Link](#)





## Immigration - Using gumballs to explain the challenge

[Video Link](#)

## **Worth Remembering and Keeping In Mind: Saul Alinsky's 13 Tried-and-True Rules for Creating Meaningful Social Change**

Saul David Alinsky died 36 years before the election of Barack Obama and Hillary Clinton's first attempt for the presidency. But many feverish screeds on social media, talk radio, and YouTube might have made one think he lurked behind these politicians like Rasputin. Spoken of by many on the right as a servant of the devil, "American Joseph Goebbels," and "dangerous harbinger of insurrection," Alinsky developed a reputation for insidiousness that may exceed his influence, considerable though it may be.

But liberals and leftists have no special purchase on Alinsky's legacy. As one thoughtful, eloquent pundit recently wrote, "the Right has taken Saul Alinsky's Rules for Radicals and shoved it up where #TheResistance don't shine." Not long before this charming appropriation, Alinsky's 1971 manual of political warfare found its way into the hands of some of the same Tea Party organizers who had made his name synonymous with everything they despised about the left. (See Alinsky court his Luciferian comparisons in the 1966 interview above.)

[Text Link](#)



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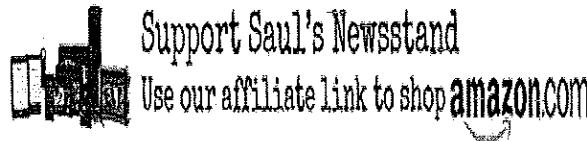
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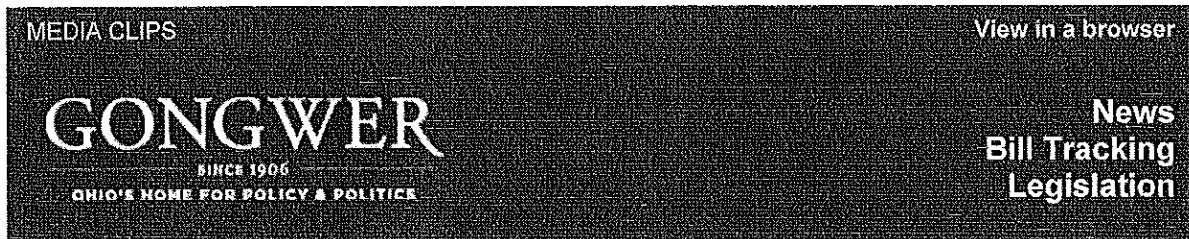
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## NEWS

**Auditor's report shows opioids impact on Medicaid (Associated Press, 7/2/2018)**

**Ohio Lawmakers Approve Lake Erie Algae Prevention Bill (Associated Press, 7/2/2018)**

**Biden in Cincy: Trump's ideology is 'aggrandizing power' (Cincinnati Enquirer, 7/2/2018)**

**Complaint: Security should not stop black, female lawmaker (Cincinnati Enquirer, 7/2/2018)**

**Ohio's Trump country is fond of this Democrat (Cincinnati Enquirer, 7/2/2018)**

**First Ohio medical marijuana cultivator OK'd to grow cannabis, testing lab licenses awarded (Cleveland Plain Dealer, 7/2/2018)**

**Hey Washington, regular Ohioans agree on these federal budget fixes (Cleveland Plain Dealer, 7/2/2018)**

**Ohio's new compliant driver's licenses: What documents will you need? (Cleveland Plain Dealer, 7/2/2018)**

**Rep. Emilia Sykes files racism, sexism complaints with Ohio Civil Rights Commission over state building security allegations (Cleveland Plain Dealer, 7/2/2018)**

**Capitol Insider: Why is Ohio Medicaid defending pharmacy middlemen? (Columbus Dispatch, 7/2/2018)**

**Fireworks bill still up in the air as July Fourth holiday approaches (Columbus Dispatch, 7/2/2018)**

**Ohio teacher evaluations get an overhaul teachers like (Columbus Dispatch, 7/2/2018)**

**Ohio U and University of Toledo team up on health issues, including opioids (Columbus Dispatch, 7/2/2018)**

**Video catches Cordray dropping another Nazi reference (Columbus Dispatch, 7/2/2018)**

**Local child's death could spark statewide abuse registry (Dayton Daily News, 7/2/2018)**

**Ohio governor race: DeWine says he wants to make these changes to Ohio's early childhood programs (Dayton Daily News, 7/2/2018)**

**Some Ohio Democrats on ballot this year for Congress say Pelosi must go (Dayton Daily News, 7/2/2018)**

**2 Butler County Statehouse candidates among the state's top fundraisers since January (Journal-News, 7/2/2018)**

**Ohio lawmakers back bill requiring teachers to out transgender kids (Journal-News, 7/2/2018)**

**Lawmakers send Clean Lake 2020 Plan to Kasich (Port Clinton News Herald, 7/2/2018)**

**Fireworks regulations vary by state, city (Toledo Blade, 7/2/2018)**

**Government, military officials in favor of Trump's nuclear bailout plan (Toledo Blade, 7/2/2018)**

**Janus ruling unlikely to impact local unions, organizers say (Toledo Blade, 7/2/2018)**

**U.S. Rep. Marcy Kaptur to receive key to the city (Toledo Blade, 7/2/2018)**

## **EDITORIALS**

**Beacon Journal/Ohio.com editorial board: Repair online charter schools? Statehouse Republicans aren't there yet (Akron Beacon Journal, 7/2/2018)**

**Ohio lawmakers pass questionable legislation in 'bill-a-thon' session: Thomas Suddes (Cleveland Plain Dealer, 7/2/2018)**

**Editorial: Senate payday delay hurts consumers but helps lobbyists (Columbus Dispatch, 7/2/2018)**

**Sherrod Brown steps up (Toledo Blade, 7/2/2018)**

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**Ohio Chamber Legislative Update**

July 2, 2018

***Read about the issues that impact your business.***

**We're All For ....**

**Regulatory Reform**

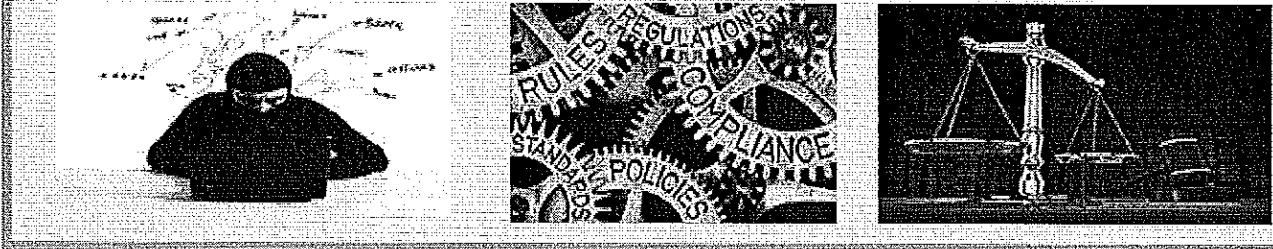
On Wednesday, the Ohio Legislature took a major step forward towards much-needed regulatory reform. Senate Bill 221, which has long been an Ohio Chamber priority bill passed through the House and the Senate and is now on its way to Governor Kasich's desk. [Continue reading.](#)

[Click here](#) to read about the bills we are following.



**We're All For ...**

Be sure to read our latest blog posts on [allforohio.com](#) for additional information that is of interest to Ohio Chamber members. Here are our blog posts from the past week:



## **Pro-Business Cyber Security Legislation Heads to Governor**

In a flurry of legislative activity during the final week of June, the Legislature passed Senate Bill 220, cybersecurity legislation improving Ohio's business and legal climate. [Read about the bill.](#)

## **Senate Moves Fresh Approach to Provide Regulatory Relief**

Ever feel overwhelmed by bureaucratic red tape and government regulations? This week, the Ohio Senate passed Senate Bill 293 in an effort to provide businesses with some regulatory relief. [What does this bill mean for Ohio?](#)

## **Supreme Court Rules**

### **Fair-Share Fees**

#### **Decidedly Unfair**

By now, news of the *Janus* decision has spread like wildfire across every type of media imaginable. This is big news and the blog in this post by Ohio Chamber member Vorys, Sater, Seymour and Pease LLP goes through the ins and outs of the case itself in detail. [Continue reading.](#)

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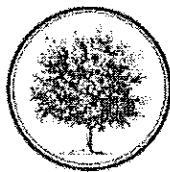
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**From:** The Buckeye Institute  
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**Subject:** ICYMI: Buckeye's Robert Alt Looks at the Impact of Janus in The Columbus Dispatch & The Hill



## THE BUCKEYE INSTITUTE

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Following last week's Supreme Court ruling in *Janus v. AFSCME*, Robert Alt, president and chief executive officer at The Buckeye Institute, looked at what the ruling means for Ohio's public employees and government unions in *The Columbus Dispatch* (complete piece below).

Alt also had a piece in *The Hill*, where he wrote, "Consent matters. But you don't have to take my word for it -- just ask the Supreme Court of the United States. In *Janus v. AFSCME*, the Court's five-member majority held that the First Amendment protects public-sector employees -- including petitioner Mark Janus -- from being compelled 'to subsidize private speech on matters of substantial public concern' without prior affirmative consent."

Read the full *Hill* piece [here](#).

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# The Columbus Dispatch

## Janus decision protects workers who dissent from union

*The Columbus Dispatch*  
By Robert Alt  
July 1, 2018

In *Janus v. American Federation of State, County, and Municipal Employees, Council 31*, the U.S. Supreme Court decided that public-sector workers must affirmatively consent before any money can be taken from them for union fees.

Since Wednesday's ruling, folks on both sides have unfortunately succumbed to hyperbolic overreaction. The most cursory recollection of our country's founding reminds us that the same idea of consent was integral to empowering the government in the first place. Accordingly, it should surprise precisely no one that the court was concerned with the compulsion aspect of the case's facts.

Plaintiff Mark Janus -- an ordinary child-support specialist at the Illinois Department of Healthcare and Family Services -- objected to paying mandatory union fees as a condition of his employment and lamented, "The union voice is not my voice. The union's fight is not my fight. But a piece of my paycheck every week goes to the union. I am not anti-union... But unions aren't a fit for everyone. And I shouldn't be forced to pay money to a union if I don't think it does a good job representing my interests."

The Supreme Court agreed with Janus that, indeed, consent matters. Common courtesy and basic human decency have always demanded it, but now -- in overruling its own 41-year-old precedent in *Abood v. Detroit Board of Education* -- the court found that the First Amendment requires affirmative consent when it comes to paying union fees, too.

Writing for a five-member majority, Justice Samuel Alito raised the court's objection to public employees being forced to financially support their unions, "even if they choose not to join and strongly object to the positions the union takes." Such an arrangement, Alito concluded, "violates the free speech rights of nonmembers by compelling them to subsidize private speech on matters of substantial public concern."

Unions will continue to serve their consenting members for generations to come -- only now they will do so more effectively, more efficiently and without trampling the constitutional rights of their members.

Any Ohio unions worried that *Janus* and other subsequent right-to-work laws will catalyze the end of unions and union membership can rest easy. Empirical studies and data from right-to-work states, including our neighbors Indiana and Michigan, demonstrate that even after enacting right-to-work laws, union membership not only does not suffer but often increases.

In the first full year after Indiana's right-to-work law took effect, for example, the state added 3,000 new union members. Although union membership initially fell slightly after Michigan adopted right-to-work rules in 2013, it has since recovered, accounting for 15.6 percent of all wage and salary workers in 2017 -- up from 14.4 percent in 2016 and well above the national average of 10.7 percent.

After *Janus*, the quality of public-sector union representation inevitably will improve. Removing coercion and requiring affirmative consent will incentivize union leaders to be more responsive to the needs and desires of their union members, which will increase the value of union membership by refocusing the union's attention on increasing job satisfaction and working conditions for members.

Happier and better-served union members who have affirmatively consented to their union membership should be our shared end goal across the political spectrum.

Public-sector workers won the long-overdue right to be respected, irrespective of their individual decisions regarding union membership. And, in a nation founded upon the consent of the governed, the standard of consent adopted by the Supreme Court in *Janus* finally gives our hardworking public servants the voice and choice they have always deserved.

*Robert Alt is the president and chief executive officer of The Buckeye Institute in Columbus.*

# # #

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## Law360 Closed For Independence Day

Newsletter service will resume on Thursday, July 5.

Tuesday, July 3, 2018



### SUPREME COURT REVIEW

#### Feature

#### **The Sharpest Dissents From The Supreme Court Term**

In its first complete term back at full strength since the death of Justice Antonin Scalia, the top U.S. court took on several cases that revealed deep divisions among its members. Here are the most stinging dissents. [Read more »](#)

#### Feature

#### **Narrow Rulings Reveal Wide Gulls Between Justices**

With the Supreme Court largely punting on deciding the issues at the center of some of its biggest cases this term, the justices turned to concurrences to fight for the future of the law. [Read more »](#)

#### Feature

#### **4 High Court Lineups That Might Surprise You**

While the justices tend to join most often with colleagues whose philosophy they share, even



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politically charged cases can create groupings that defy easy categorization. Here are a few from the latest term. [Read more »](#)

**Feature**

### **The Funniest Moments Of The Supreme Court Term**

From a raucous house party to the often-disappointing taste of wedding cake, the justices found plenty to laugh about in the latest term. Here are the top moments of legal levity. [Read more »](#)

### **Trump Plows Ahead With Supreme Court Selection Process**

President Donald Trump is ramping up the process of replacing Justice Anthony Kennedy on the U.S. Supreme Court, interviewing four candidates Monday and revealing the White House staffers who are leading the selection effort. [Read more »](#)

**Feature**

### **High Court Nomination Watch: 7th Circ.'s Amy Coney Barrett**

Amy Coney Barrett has been sitting on the Seventh Circuit bench for only eight months, but she is rumored to be on President Donald Trump's shortlist for potential picks to replace Justice Anthony Kennedy on the U.S. Supreme Court. [Read more »](#)

**Analysis**

### **Kennedy's Exit Won't Tip High Court Balance For Banks**

Associate Justice Anthony Kennedy's retirement from the U.S. Supreme Court is unlikely to lead to a sharp swing in the high court's ideological balance when it comes to financial services issues, though it may open the door for less deference to federal financial regulators' statutory interpretations, experts say. [Read more »](#)

**Analysis**

### **How A More Conservative Court Could Change Telecom Policy**

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Buchalter PC  
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Clark Hill  
Cleary Gottlieb  
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Crowell & Moring  
Davis Wright Tremaine  
Dechert  
Dinsmore & Shohl  
Dorsey & Whitney  
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Hudson Cook  
Hunton Andrews Kurth  
Jackson Lewis  
Jones Day  
Kilpatrick Townsend  
Lash & Goldberg

Justice Anthony Kennedy's upcoming retirement comes at a tumultuous time for the telecom industry as legal challenges to major Federal Communications Commission decisions play out in lower courts, including disputes over media ownership rules and net neutrality. [Read more »](#)

## TOP NEWS

### Feature

#### **Travel Ban And Beyond: The High Court's Year In Immigration**

From the decision to uphold President Donald Trump's travel ban to a ruling on judicial notice that had much broader implications for the power of administrative immigration agencies, immigration cases were among the most highly watched on the U.S. Supreme Court's docket this term. Here, Law360 recaps those cases. [Read more »](#)

#### **Cell Data Privacy Ruling May Spawn Suit Avalanche, Attys Say**

The Supreme Court's recent decision limiting law enforcement's ability to subpoena cellphone location data is likely to spark a flurry of litigation, as a once-bright line rule regarding privacy rights for personal information held by third parties has been significantly blurred, the American Civil Liberties Union attorney who argued the case before the high court said in Washington, D.C., Monday. [Read more »](#)

### Analysis

#### **Fla. Faces Upstream Ga. Water Fight, Despite High Court Win**

The U.S. Supreme Court has breathed new life into Florida's lawsuit against Georgia over the use of water from a river basin by rejecting a report denying Florida's request to cap usage, but Florida is not out of the woods and must argue that saving its Apalachicola Bay fishery is worth inflicting some pain on Atlanta's growing metropolitan region. [Read more »](#)

### Analysis

Latham & Watkins  
Lawyers' Committee for Civil Rights  
Leech Tishman  
Littler Mendelson  
Manatt Phelps  
Marashlian & Donahue  
Mayer Brown  
McDermott Will  
McElroy Deutsch  
Milbank Tweed  
Morrison & Foerster  
Munger Tolles+Hess  
Nelson Mullins  
O'Melveny & Myers  
Olshan Frome Wolosky  
Orrick Herrington &现出  
Paul Hastings  
Perkins Coie  
Pierce Atwood  
Priddy Cutler  
Prince Lobel  
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Ropes & Gray  
Schiff Hardin  
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Strasburger & Price  
Trenk DiPasquale  
Wachtell Lipton  
Wilkinson Barker  
WilmerHale  
Wilson Sonsini

## COMPANIES

## **States Can Decide If Association Health Plans Sink or Swim**

The U.S. Department of Labor's recently finalized association health plan rule allows insurers to offer health care plans to small businesses and the self-employed that skirt certain Affordable Care Act requirements, but it also leaves state regulators with the authority to impose requirements on those plans that could mirror the ACA's. [Read more »](#)

Analysis

## **FERC Order On State Clean Energy Subsidies Roils Markets**

The Federal Energy Regulatory Commission's order last week requiring PJM Interconnection LLC to rewrite its wholesale electricity market rules in order to blunt the effects of state clean energy policies will only further inflame state-federal tensions over electricity policy and threaten the future of the very markets the commission aims to protect, FERC watchers say. [Read more »](#)

## **FEMA Sued For Planning Abrupt End To Disaster Aid Program**

After announcing it would end a program that paid for Hurricane Maria evacuees to stay in hotels, the Federal Emergency Management Agency was hit on Saturday in Massachusetts federal court with a proposed class action brought by Puerto Ricans seeking to block evictions that could put them on the streets. [Read more »](#)

## **BANKING & SECURITIES**

### **NYSE Pulls Proposal To Ease Rules On Blank Check Cos.**

The New York Stock Exchange has withdrawn a proposed rule change that would have made listings easier for blank check companies, following a similar withdrawal by rival exchange Nasdaq, according to a U.S.

AT&T Inc.

Adobe Systems Incorporated

Agenus Inc.

Airbnb Inc.

Altamont Capital Partners

Altman Weil Inc.

American Academy of Pediatrics

American Cable Association

American Civil Liberties Union

American Express Company

American Federation of State, County and Municipal Employees

American Immigration Lawyers Association

Association of Corporate Counsel

Celgene Corporation

Center for Human Rights & Constitutional Law

Chevron Corp.

Churchill Downs Inc.

Consumer Reports

DISH Network Corporation

Electric Reliability Council of Texas Inc.

Ennis Inc.

Environmental Defense Fund Inc.

Epic Systems Corp.

Ernst & Young

Facebook

FanDuel Inc.

Federalist Society

Google Inc.

H&R Block Inc.

H5

HSN, Inc.

Ion Media Networks Inc.

Jones Lang LaSalle Inc.

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LatinoJustice

Securities and Exchange Commission notice posted on Friday. Read more »

## ENERGY & ENVIRONMENTAL

### Feature

#### New Earthjustice Prez's Game Plan: Fight Feds, Coax States

Incoming Earthjustice President Abigail Dillen told Law360 in an exclusive interview that the environmental law group must pursue a two-pronged strategy: fighting policy rollbacks by the Trump administration while encouraging stronger clean energy and other climate change-friendly policies at the state and local level. Read more »

#### Refiners Blew Chance To Fight Biofuel Regs, EPA Says

The U.S. Environmental Protection Agency told the D.C. Circuit it was right to refuse to shift some of the burden for blending renewable fuels into the country's transportation fuel supply from refineries to fuel blenders, arguing that the refiners' challenge to the determination came too late under the Clean Air Act. Read more »

#### Senator Seeks More State Control In ESA Amendments

Republican Sen. John Barrasso of Wyoming on Monday released a draft of proposed changes to the Endangered Species Act that would elevate the role states play in conservation efforts, an idea that was criticized by environmental groups that accused the senator of trying to weaken the law. Read more »

#### Warbler Still Endangered, Feds Tell Court In Texas ESA Suit

The U.S. Fish and Wildlife Service has urged a Texas federal court to reject a state agency's claims that the FWS was unreasonable in keeping the golden-cheeked warbler on the endangered species list, arguing the state

Law Foundation of Silicon Valley  
Lions Gate Entertainment Corp.

Major League Baseball Inc.

Michelin Group

Microsoft Corporation

NASDAQ OMX Group Inc.

NFL Enterprises LLC

NJ Transit Corp.

National Basketball Association

National Basketball Players Association

National Center for Youth Law

National Collegiate Athletic Association

National Consumer Law Center

National Hockey League

New York Times Co.

PJM Interconnection LLC

Palantir Technologies Inc.

Petco Animal Supplies Inc.

Platinum Equity LLC

QVC Incorporated

Qurate Retail Group

Securus Technologies Inc.

Sierra Club

Sinclair Broadcast Group, Inc.

Sony Pictures Entertainment Inc.

Southwest Power Pool Inc.

State Bar of Texas

Temple University

Texas Public Policy Foundation

Theranos Inc.

TiVo Corp.

Tribune Media Co.

Turner Broadcasting System Inc.

Twitter Inc.

Valero Energy Corp.

Wayfair LLC

Yelp Inc.

agency didn't offer good reasons to remove it.  
[Read more »](#)

### **NJ Fights Trenk DiPasquale Bid For Water Agency Probe Docs**

The Office of the New Jersey State Comptroller has urged a federal bankruptcy judge to quash a subpoena from Trenk DiPasquale Della Ferra & Sodono PC and two former firm attorneys seeking documents related to the office's investigation into wasteful spending at a defunct Newark water agency, saying such material is confidential. [Read more »](#)

## HEALTH & LIFE SCIENCES

### **Pa. Court Axes 2nd Challenge To Medical Marijuana Licenses**

A second challenge over the adequacy of Pennsylvania's process for awarding medical marijuana licenses and for hearing appeals over those awards has been tossed by a state court over a jilted bidder's failure to exhaust administrative remedies before filing suit. [Read more »](#)

## MEDIA & ENTERTAINMENT

### **Citing SC Blackout, Cable Lobby Slams Retransmission Rule**

The American Cable Association called on Nexstar Media Group to drop its programming blackout of Myrtle Beach, South Carolina, cable provider Horry Telephone Cooperative over a retransmission dispute, saying Monday that Nexstar is trying to force a massive rate hike on cable subscribers. [Read more »](#)

## AEROSPACE & DEFENSE

### **DOD Launches New Central Artificial Intelligence Office**

The U.S. Department of Defense has formally launched a new artificial intelligence center, intended to speed up and harmonize the rollout

ZTE Corp.

Zulily Inc.

comScore, Inc.

## GOVERNMENT AGENCIES

Army Corps of Engineers

Bureau of Citizenship and Immigration Services

Bureau of Indian Affairs

California Supreme Court

Cherokee Nation

Commonwealth of Kentucky

Consumer Financial Protection Bureau

Department of Commerce

European Union

Executive Office of the President

Federal Aviation Administration

Federal Communications Commission

Federal Emergency Management Agency

Federal Energy Regulatory Commission

Federal Judicial Center

Federal Trade Commission

Fish and Wildlife Service

Food and Drug Administration

Internal Revenue Service

Los Angeles World Airports

New Jersey Legislature

New York State Department of Financial Services

New York State Senate

Securities and Exchange Commission

Three Affiliated Tribes of the Fort Berthold Reservation

U.S. Army

U.S. Attorney's Office

of AI capabilities across the military and intelligence community, according to a DOD memo. [Read more »](#)

## TRANSPORTATION & INFRASTRUCTURE

### **FAA Did Shoddy Review Of SoCal Flight Paths, DC Circ. Told**

Culver City, California, and local groups told the D.C. Circuit on Friday that the Federal Aviation Administration flouted its own rules when it failed to assess the noise impacts of newly implemented flight paths for Southern California airports, saying the appellate court shouldn't give it a free pass. [Read more »](#)

## EMPLOYMENT

### Feature

### **The FLSA Turns 80: How Management Wants The Law Updated**

The Fair Labor Standards Act celebrated its 80th birthday last week, and legal experts on both sides of the worker-management divide say the landmark law is showing its age. Here, Law360 looks at ways management-side employment attorneys say they would like to see Congress update the octogenarian statute. (*This is the first article in a two-part series. Check back Thursday to read about how workers' attorneys would revise the FLSA.*) [Read more »](#)

### **Ky. Gov. Urges Judge To Go Further In Pension Bill Ruling**

Kentucky Republican Gov. Matthew Bevin on Friday asked a state judge to alter an order vacating on procedural grounds a bill trimming public employees' pensions so the judge could address the actual merits of the law, which would allow the Kentucky Supreme Court to wholly settle the bill's constitutionality on appeal. [Read more »](#)

## CYBERSECURITY & PRIVACY

U.S. Customs and Border Protection

U.S. Department of Defense

U.S. Department of Energy

U.S. Department of Health and Human Services

U.S. Department of Homeland Security

U.S. Department of Justice

U.S. Department of Labor

U.S. Department of the Interior

U.S. Department of the Treasury

U.S. Environmental Protection Agency

U.S. House of Representatives

U.S. Immigration and Customs Enforcement

U.S. Senate

U.S. Supreme Court

World Trade Organization

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## **Dem Rep. Blasts FCC For Punting Cambridge Analytica Probe**

Rep. Debbie Dingell, D-Mich., continued to push the Federal Communications Commission to probe since-shuttered political consulting firm Cambridge Analytica and investigate if it wrongly bought TV viewing habit information, excoriating the FCC for punting the matter to the Federal Trade Commission, which she also pushed to carry out an investigation [Read more »](#)

## **INTERNATIONAL TRADE**

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### **Feature**

#### **Trade Enforcement Springs Eternal: 2018 Midyear Report**

The first half of 2018 has seen the Trump administration make full use of its trade enforcement arsenal as it picks fights with allies and opponents alike, igniting the most dramatic escalation of global trade barriers in many decades. Here, Law360 will walk you through the last six months' worth of developments stemming from the administration's bold enforcement missives. [Read more »](#)

## **TAX**

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### **Analysis**

#### **New 1040 Form May Not Reduce Filing Burdens**

A statement released at the same time as a new postcard-size Form 1040 by the U.S. Treasury Department on Friday claims individual income tax filing burdens will be greatly reduced, but some practitioners question whether new schedules required to accompany the form could have the opposite effect. [Read more »](#)

#### **Governor Signs 'Airbnb' Tax Bill Into Law In NJ**

New Jersey Gov. Phil Murphy on Sunday signed into law a bill that imposes state sales and use taxes as well as hotel and motel occupancy fees on short-term property rentals made through online marketplaces like Airbnb Inc.'s home-sharing website. Read more [½ B](#)

### **Virtual Currency Compliance Among 5 New LB&I Campaigns**

The Internal Revenue Service's Large Business and International Division approved five new compliance campaigns Monday, including a new focus on virtual currencies, but the agency said it is not considering a voluntary disclosure program for that area in the future. Read more »

### **NJ Avoids Gov't Shutdown With \$37.4B Budget Deal**

New Jersey Democratic Gov. Phil Murphy signed a \$37.4 billion state budget bill at the 11th hour Sunday, quelling fears of a government shutdown after he reached an agreement with leaders at the State House the day before. Read more »

## **IMMIGRATION**

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### **Career Immigration Official Picked As Acting Head Of ICE**

The U.S. Department of Homeland Security has elevated a career immigration official to serve as acting director of U.S. Immigration and Customs Enforcement, an agency that stands at the forefront of the Trump administration's ongoing battles on enforcing the nation's immigration laws, DHS announced on Saturday. Read more »

### **Feds Say Families Can Be Detained Together Under Flores**

The Trump administration said Friday it would comply with a California federal judge's order to stop separating immigrant families caught crossing the border without authorization by detaining parents and children together

throughout immigration proceedings, arguing that the so-called Flores agreement mandating the release of children allowed for it. Read more »

### **Immigration Bill Roundup: Separated Children, Abolish ICE**

Democratic lawmakers have recently introduced legislation that would allow detained parents to call their separated children free of charge, ensure that federal employees are properly trained to care for the children and abolish U.S. Immigration and Customs Enforcement. Read more »

### **DC Judge Says Gov't Must Follow Rules For Asylum-Seekers**

A Washington, D.C., federal judge has ordered the government to follow its own rules about detaining asylum-seekers, saying Monday that, though sometimes raw data amounts to "lies, damn lies, and statistics," the numbers presented by a proposed class of immigrants showing a near-100-percent parole denial rate are irrefutable. Read more »

### **Brazilian Sues Gov't To Reunite With Son Taken At Border**

A Brazilian woman asked a federal Massachusetts court Friday to reunite her with her 9-year-old son after they were separated by immigration officials at the U.S.-Mexico border, arguing that the federal government had broken its own rules and violated the family's constitutional rights. Read more »

## **NATIVE AMERICAN**

### **DOI Retracts Ruling For Alaska Native Land-Into-Trust Moves**

The office of the U.S. Department of the Interior's solicitor said Friday that it was withdrawing an Obama-era opinion by the same office that the department could take land into trust for Alaska Natives, saying that the ruling was "incomplete and unbalanced"

and that it would take at least a year to reconsider. [Read more »](#)

### **States Fight Feds' Quick Win Bid In Native Adoption Law Suit**

Three states that have mounted a federal court challenge to the Indian Child Welfare Act have urged a judge not to grant the federal government a partial quick win in the suit, saying no administrative record regarding a final rule relating to the law has been entered by the government. [Read more »](#)

## **TELECOMMUNICATIONS**

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### **FCC Seeks Input On Securus' Prison Phone Rival Deal**

The Federal Communications Commission announced Monday that it has launched a comment period on prominent prison-phone operator Securus Technologies Inc.'s bid to acquire one of its dominant competitors from TKC Holdings Inc. [Read more »](#)

### **Dems, Orgs Say FCC Lacks Evidence For Kid Vid Rollback**

A group of Senate Democrats and various advocacy groups separately urged the Federal Communications Commission last week to slow a potential rollback of rules covering children's broadcast programming, arguing the agency lacks evidence backing "tentative conclusions" that minimum broadcast requirements are no longer needed. [Read more »](#)

## **WHITE COLLAR**

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### **Skelos Cleared To Grill Key Witness Over Alleged Misconduct**

A New York federal judge on Monday greenlighted a multipronged attack by former New York State Senate Majority Leader Dean Skelos and his son Adam on the credibility of former insurance boss and government witness Anthony Bonomo, saying she would

allow the defense to probe claims of misconduct at Bonomo's company. [Read more »](#)

## EXPERT ANALYSIS

### **The EPA's New Biofuels Plan And A Residue Of Uncertainty**

The U.S. Environmental Protection Agency last week issued its long-awaited proposal concerning the next round of annual volume requirements under the Renewable Fuel Standard. While the proposal generally indicates stability and growth for the RFS program, it is conspicuously silent on several issues that could substantially affect biofuels markets, say Joel Beauvais and Steven Croley of Latham & Watkins LLP. [Read more »](#)

### **Massachusetts Patent Litigation Is Speeding Up**

The District of Massachusetts recently issued an updated rule for scheduling and procedures in patent infringement cases, to make the district a more convenient venue. Perhaps the most important change is the newly accelerated litigation timeline, says Aaron Jacobs of Prince Lobel Tye LLP. [Read more »](#)

### **The California Consumer Privacy Act: 3 Early Questions**

It is difficult to overstate the scope of the new California Consumer Privacy Act — it will dramatically change the privacy landscape in the U.S. when it takes effect on Jan. 1, 2020. The act also contains ambiguities that are likely to sow confusion and litigation, say attorneys with Munger Tolles & Olson LLP. [Read more »](#)

#### **Opinion**

### **A Trump Supreme Court Nominee Can Be Defeated**

The Senate Republican leadership and the Trump administration are racing to fill Justice Anthony Kennedy's spot on the U.S. Supreme

Court. Does opposition to their plans have any chance of success? My answer is yes, because the stakes are so high, people are so engaged, and the records of those short-listed are so deeply troubling, says Nan Aron, president of Alliance for Justice. [Read more »](#)

### **Considering The Uncertain Future Of The EB-5 Program**

After multiple extensions, the EB-5 visa program is set to expire on Sept. 30. The uncertainty of the program's future and proposed changes to minimum threshold investments have led developers to increase their fundraising efforts prior to the deadline, and they may cut back on use of EB-5 funds going forward, say Bruce Meyerson and David Coombs of Goulston & Storrs PC. [Read more »](#)

### **How Sports Bet Ruling Affects Players' Collective Bargaining**

Following the U.S. Supreme Court's decision in *Murphy v. NCAA*, player associations must not only monitor how state legislatures and Congress react to the ruling, but also proactively engage with both federal and state legislatures. Failure to do so will likely leave players in an unfavorable position vis-a-vis their respective leagues, say attorneys with Dechert LLP. [Read more »](#)

## **LEGAL INDUSTRY**

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### **Interview**

### **Jackson Lewis' Newly Elected Co-Chairs Talk Growth**

Newly elected leaders of Jackson Lewis PC say they have big plans for the direction of the law firm, including imminently appointing a new chief operating officer from a professional services firm, expanding in several states and adding to the firm's capabilities in health care and employee benefits law. Here, Law360 chats with newly elected co-chairs William

Anthony and Kevin Lauri about the future of the firm. [Read more »](#)

### **WilmerHale, Perkins Coie Late Entrants In Pay Raise Match**

Perkins Coie LLP, WilmerHale, Olshan Frome Wolosky LLP and Choate Hall & Stewart LLP have joined the cavalcade of law firms announcing changes to their associate compensation structure, according to internal memos made public Monday. [Read more »](#)

### **Law Firm Mergers On Pace To Equal Record In 2018**

U.S.-based law firms are on pace for another record-setting year of tie-ups, according to a report released Monday that indicates the high-water mark of 102 mergers, set in 2017, could be overtaken before year's end. [Read more »](#)

### **Dinsmore & Shohl Beef Up Parental Leave Policy**

Dinsmore & Shohl LLP has beefed up its parental leave policy, allowing female attorneys to take 18 weeks of paid leave in the year after giving birth and granting leave time to adoptive parents and the partners of new mothers as well, the firm announced Monday. [Read more »](#)

### **Covington, Microsoft Attys Say AI Trust Key To Use In Law**

A Covington & Burling LLP partner and a Microsoft in-house attorney speaking at a conference about artificial intelligence warned Friday that as the technology is applied to legal problems, AI systems have faced questions about baked-in biases and a lack of transparency as to how they reach decisions. [Read more »](#)

### **Yelp Needn't Delete Defamatory Atty Reviews: Calif. Justices**

A divided California Supreme Court on Monday reversed a lower court's order that Yelp take down defamatory reviews of a personal injury

attorney posted by a former client, saying the consumer review website is protected by a federal law shielding publishers of third-party content. [Read more »](#)

## **Latham Scores Win In Suit Over Fraudulent Job Site**

A Virginia federal judge signed off on a magistrate judge's recommendation and granted Latham & Watkins LLP's default judgment bid in a suit against a website it said purports to hire people to work at Latham from home, after the owners of the website failed to respond to the complaint. [Read more »](#)

Interview

## **15 Minutes With Qurate Retail Group's General Counsel**

Larry Hayes is not only the general counsel of Qurate Retail Group, but also a college football referee who works as a center judge in the Atlantic Coast Conference. Here, he discusses the skills vital for a successful general counsel, the challenges his business faces in 2018 and the worry that keeps him up at night. [Read more »](#)

Feature

## **The Top In-House Hires Of June**

June not only brought the first days of summer, but also a string of notable legal hires that included new general counsel and chief legal officer appointments at Adobe Systems Inc., Consumer Reports, Lionsgate, the University of Mississippi and the Association of Corporate Counsel, as well as new deputy general counsel at ProPublica and startup Bird. [Read more »](#)

### **JOBS**

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**From:** Public Policy Law360  
**Sent:** Thursday, July 5, 2018 5:12 AM  
**To:** Rep93  
**Subject:** Law360 Reveals The Global 20 Firms Of 2018



Thursday, July 5, 2018



## GLOBAL 20

### Feature

#### **Law360 Reveals The Global 20 Firms Of 2018**

What makes a law firm truly global? What does it take to handle the biggest and most complex cross-border matters? These firms know. Here, Law360 reveals its eighth annual ranking of the firms with the most international clout. [Read more »](#)

### Feature

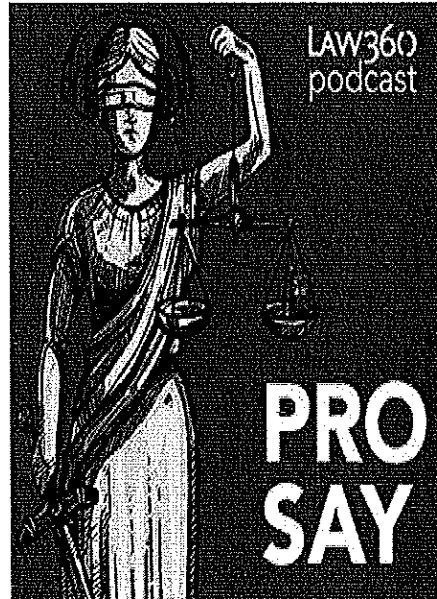
#### **Global Law Firms Bulk Up In Europe As Brexit Approaches**

With Britain less than a year from exiting the European Union, firms on Law360's Global 20 have begun pushing deeper into the countries remaining in the bloc, adding offices and industry specialists in a shift that could rebalance how BigLaw works in the region. [Read more »](#)

### Feature

#### **How Smaller Firms Can Go Global Without Going Bankrupt**

Setting up shop across the globe may seem impossible for smaller law firms, but it can be done — and it's not the only way to get business overseas. Here, Law360 looks at



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### LAW FIRMS

Akerman  
Akin Gump  
Allen & Overy  
Ashurst LLP  
Baker Botts  
Baker McKenzie  
BakerHostetler  
Beeson Tayer

what firms should think about when deciding whether, and how, to go global. Read more »

## TOP NEWS

### Analysis

#### New Mexican Prez May Slow But Won't Stop Energy Reform

While cross-border energy attorneys don't expect Mexican President-elect Andres Manuel López Obrador to undo landmark constitutional reforms that opened up the country's energy sector to private and foreign investment in the last five years, they warn that he may slow down the pace of denationalization. Read more »

#### Trump Interviews Utah Sen. Mike Lee For Supreme Court

President Donald Trump added another name to the latest round of speculation about who will fill Supreme Court Justice Anthony Kennedy's seat — interviewing Sen. Mike Lee, R-Utah, for the vacancy Monday, Lee's office and the White House confirmed Tuesday.

Read more »

### Feature

#### Biggest Benefits Policy Developments In 2018: Midyear Report

So far this year, the U.S. Department of Labor has clarified how companies can include socially conscious investments in 401(k) plan lineups, test whether health care plans comply with mental-health parity laws and ensure retirement advisers aren't placing the company in legal hot water. Here's a look back at the major benefits policy developments from the first half of 2018. Read more »

#### Putin Aimed To Put Trump In Presidency, Senate Panel Agrees

The Senate Select Committee on Intelligence on Tuesday released initial findings from its review of a U.S. intelligence community assessment produced last year that backed its conclusion that the Russian government

Boies Schiller  
Cleary Gottlieb  
Cooley  
Cornerstone Law Group  
Covington & Burling  
Cravath Swaine  
DLA Piper  
Danks Miller  
Davis Graham  
Dechert  
Dentons  
Drummond Woodsum  
Earthjustice  
Epstein Becker Green  
Eversheds Sutherland  
Fenwick & West  
Gibson Dunn  
Hanson Bridgett  
Harris Wiltshire  
Herbert Smith Freehills  
Hobbs Straus  
Hogan Lovells  
Heguet Newman  
Holland & Knight  
Jeffer Mangels  
Joseph Greenwald  
K&L Gates  
Kasowitz Benson  
Kilpatrick Townsend  
King & Spalding  
Kirkland & Ellis  
Lane & Waterman  
Latham & Watkins  
Linklaters  
Lynn Pinker  
Mayer Brown  
Maynes Bradford  
McGuireWoods

sought to help Donald Trump win the White House. [Read more »](#)

## Sessions Cites 'Rule Of Law' In Nixing 24 DOJ Guidance Docs

Attorney General Jeff Sessions on Tuesday rescinded 24 U.S. Department of Justice guidance documents that he considered "unnecessary, outdated, inconsistent with existing law, or otherwise improper," striking down Obama-era stances on issues like affirmative action, refugees' right to work and juveniles in the criminal justice system. [Read more »](#)

## BANKING & SECURITIES

### CFPB Structure Is Unconstitutional, 5th Circ. Hears

A Mississippi check cashing and payday loan company fighting a Consumer Financial Protection Bureau enforcement action has told the Fifth Circuit that the consumer watchdog agency is unconstitutionally structured and can't be fixed except by striking down the law that set it up. [Read more »](#)

### NY Wants Banks To Offer Services To Med. Marijuana Cos.

New York's banking regulator is urging its state-chartered banks and credit unions to offer banking services to the state's legal medical marijuana-related businesses, issuing guidance Tuesday that the agency said is intended to clear up the regulatory landscape in light of the drug's continued prohibition under federal law. [Read more »](#)

## ENERGY & ENVIRONMENTAL

### EPA Extends Comment Period On Cost-Benefit Review Rules

The U.S. Environmental Protection Agency has extended the public comment period for its consideration of new regulations that would control how it determines the costs and

Milbank Tweed  
Morgan & Morgan  
Morgan Lewis  
Morrison & Foerster  
Munger Tolles  
Native American Rights Fund  
Norton Rose Fulbright  
Ogletree Deakins  
Orrick Herrington  
Outten & Golden  
Patterson & Sheridan  
Pillsbury Winthrop  
Reed Smith  
Rimon PC  
Seyfarth Shaw  
Shapiro Arato  
Shearman & Sterling  
Sheppard Mullin  
Sidley Austin  
Stroock & Stroock  
Suitter Axland  
Troutman Sanders  
Wheeler Trigg  
White & Case  
WilmerHale  
  
COMPANIES  
AREVA SA  
AT&T Inc.  
American Bar Association  
American Civil Liberties Union  
American Federation of Labor and Congress of Industrial Organizations  
American Federation of State, County and Municipal Employees  
Center for Human Rights & Constitutional Law  
CenturyLink Inc.  
China Mobile Ltd.

benefits of regulatory actions that impact the public and businesses, according to a notice published in the Federal Register on Tuesday. [Read more »](#)

### **DC Circ. Won't Revisit Decision On EPA Boiler Startup Rule**

The D.C. Circuit on Tuesday rejected a rehearing request from the Sierra Club and other environmental groups that disagreed with a portion of its ruling on boiler emissions that pertain to the U.S. Environmental Protection Agency's startup and shutdown rules that the groups said did not go far enough. [Read more »](#)

### **Pa. Looks To Raise Permit Fee Cost For Fracking Wells**

The Pennsylvania Department of Environmental Protection on Monday proposed more than doubling the application fee for new hydraulic fracturing oil and gas wells, an increase it says is necessary to continue funding the state's well-plugging fund. [Read more »](#)

## **HEALTH & LIFE SCIENCES**

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### **Medical Pot Smoking Ban Stays In Place As Fla. Fights On**

Patients hoping to smoke medical marijuana in Florida will have to wait for the conclusion of the state's appeal of a decision finding an existing ban unconstitutional, after the appeals court reinstated an automatic stay on the lower court's decision Tuesday. [Read more »](#)

## **MEDIA & ENTERTAINMENT**

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### **Conn. Tells MGM To Butt Out In Suit Over Gambling Deal**

Connecticut has once again urged a D.C. federal court to reject MGM Resorts International's bid to intervene in a suit by the state and two tribes against the federal government over its alleged inaction on

Comcast Corporation  
Deloitte Touche  
Democratic National Committee  
Epic Systems Corp.  
Ernst & Young  
Facebook  
Goldman Sachs Group Inc.  
Google Inc.  
HBR Consulting LLC  
Hiscox  
Ingenico Group SA  
International Association of Privacy Professionals  
International Brotherhood of Teamsters  
JPMorgan Chase & Co.  
Kaspersky Lab Ltd.  
Law-Foundation of Silicon Valley  
Level 3 Communications Inc.  
Lex Mundi Ltd  
MGM Resorts International  
Mohegan Sun  
NBCUniversal Inc.  
NFL Enterprises LLC  
National Association of Home Builders  
National Center for Youth Law  
National Education Association  
National Employment Law Project  
Natural Resources Defense Council  
Nordic Capital Ltd.  
PHH Corporation  
PricewaterhouseCoopers  
Public Company Accounting Oversight Board  
SanDisk Corporation  
Siemens AG  
Sierra Club

changes to a tribal-state gambling deal, arguing that MGM's involvement is improper. [Read more »](#)

## EMPLOYMENT

### **DC Circ. Mulls Review Of Browning-Ferris Joint Employer Row**

Browning-Ferris Industries urged a D.C. Circuit panel in oral arguments Tuesday not to resume review of an Obama-era decision from the National Labor Relations Board against the company expanding the joint employer standard that controls when multiple companies can be deemed responsible for workers. [Read more »](#)

### **NJ Gov. OKs Bill Giving Public Unions Pension Fund Control**

New Jersey Gov. Phil Murphy on Tuesday signed off on a bill that will transfer the management of the police and firefighters public pension fund from the state to a board of trustees after the state legislature accepted recommendations he made when he conditionally vetoed the bill in May. [Read more »](#)

#### Feature

### **The FLSA Turns 80: How Plaintiffs Want The Law Updated**

The Fair Labor Standards Act celebrated its 80th birthday last week, and legal experts on both sides of the worker-management divide say the landmark law is showing its age. Here, Law360 looks at how employment attorneys who represent workers say Congress should bring the statute into the 21st century. [Read more »](#)

### **8th Circ. Nixes Contempt Ruling In DOL Wage Probe**

The Eighth Circuit ruled Tuesday that a restaurant shouldn't be held in civil contempt for not turning over documents about its owners' other businesses to the U.S.

Skype Technologies SA  
Southern Poverty Law Center  
Starbucks Corporation  
Take-Two Interactive Software, Inc.  
Telenor ASA  
The Boeing Company  
The ERISA Industry Committee  
Tokio Marine Holdings  
Toshiba  
Twitter Inc.  
Verizon Communications Inc.  
Washington Capitals  
Washington Nationals  
Zenefits FTW Insurance Services Inc.  
Zeughauser Group-LLC  
  
GOVERNMENT AGENCIES  
Bureau of Citizenship and Immigration Services  
Bureau of Indian Affairs  
California Environmental Protection Agency  
Central Intelligence Agency  
Consumer Financial Protection Bureau  
Department of Commerce  
Energy Information Administration  
European Commission  
European Union  
Federal Bureau of Investigation  
Federal Communications Commission  
Federal Election Commission  
Federal Judicial Center  
Financial Crimes Enforcement Network  
Florida Attorney General's Office  
Florida Department of Health

Department of Labor since it didn't have those documents in its possession, adding that the agency isn't allowed to use judicial contempt orders to essentially mount a "fishing expedition." [Read more »](#)

## CYBERSECURITY & PRIVACY

### Analysis

#### **Calif. Privacy Law To Spark GDPR-Like Compliance Efforts**

The California privacy law hastily enacted last week will require online giants, telecoms, retailers and a host of others to overhaul the way they manage personal data and interact with consumers, likely prompting many companies to build on similar efforts they've made to comply with the European Union's sweeping general data protection regulation, attorneys say. [Read more »](#)

## INTERNATIONAL TRADE

#### **EU Rips Trump For Mulling Car Tariffs Tied To US Security**

The European Union has warned the Trump administration against installing tariffs on its cars, trucks and auto parts, blasting the suggestion that these imports are threatening the national security of the United States, according to its comments circulated Monday. [Read more »](#)

## TAX

#### **NJ Gov. Signs \$425M Tax Credit Bill For Film, Digital Media**

New Jersey Gov. Phil Murphy on Tuesday signed legislation authorizing a \$425 million film and digital media tax credit program after state legislators adopted his recommended changes to extend the tax breaks to reality television shows, and to permit an additional tax incentive to encourage the hiring of women and minorities. [Read more »](#)

Internal Revenue Service  
International Chamber of Commerce  
Mashantucket Pequot Tribal Nation  
Mohegan Tribe  
NAFTA  
National Labor Relations Board  
National Railroad Passenger Corporation  
National Security Agency  
National Telecommunications and Information Administration  
Navajo Nation  
New York Attorney General's Office  
New York State Department of Financial Services  
Occupational Safety and Health Administration  
Office of Juvenile Justice and Delinquency Prevention  
Office of the Montana State Auditor  
Omaha Tribe of Nebraska  
Pennsylvania Department of Environmental Protection  
Seminole Tribe of Florida  
U.S. Attorney's Office  
U.S. Census Bureau  
U.S. Department of Defense  
U.S. Department of Health and Human Services  
U.S. Department of Homeland Security  
U.S. Department of Justice  
U.S. Department of Labor  
U.S. Department of State  
U.S. Department of the Interior  
U.S. Department of the Treasury  
U.S. Environmental Protection Agency

## IMMIGRATION

### **9th Circ. Revives Chinese Woman's Asylum Bid**

The Ninth Circuit on Monday sent back to the Board of Immigration Appeals a Chinese woman's bid for either asylum or withholding of removal after determining that she credibly testified that the Chinese government physically forced her to have an abortion. [Read more »](#)

### **Judge Considers Bad Faith In Census Citizenship Query Row**

A Manhattan federal judge indicated Tuesday that he is unlikely to dismiss a challenge to the Trump administration's addition of a question about citizenship status to the 2020 census, and added he sees reason to suspect bad faith on the part of a Cabinet member who has given shifting explanations for the origin of the controversial policy. [Read more »](#)

### **ACLU Fights To Uphold Flores Protections For Immigrant Kids**

The American Civil Liberties Union urged a California federal court Monday to uphold protections for immigrant children who are detained at the border, arguing the government cannot detain children with their parents for extended periods in order to deter other families from crossing the border illegally. [Read more »](#)

## NATIVE AMERICAN

### **Navajo Can't Get Contempt Order In Gerrymandering Suit**

A Utah federal judge won't find San Juan County in contempt after the Navajo Nation alleged that the municipality was flouting a court order requiring it to use certain election districts recommended by a special master for the upcoming November 2018 elections in a

U.S. House Committee on Energy and Commerce

U.S. Senate

U.S. Supreme Court

U.S. Uniform Law Commission

United Keetoowah Band of Cherokee Indians

Wage and Hour Division

dispute over racial gerrymandering. Read more »

### **ND Native Voters Urge 8th Circ. To Keep Block On ID Law**

A group of Native Americans urged the Eighth Circuit on Monday to preserve a North Dakota federal judge's injunction that blocked portions of a 2017 state voter identification law for discriminating against Native voters, saying the state had furnished no evidence of voter fraud that would justify the law. Read more »

## **TELECOMMUNICATIONS**

### **Trump Admin Urges FCC To Block Chinese Common Carrier**

A group of federal agencies with national security and technology management missions have urged the Federal Communications Commission to block a powerful Chinese telecom operator from expanding its networks to the U.S. Read more »

### **NBCU Pushes FCC To Create Video Description Safe Harbor**

Comcast-NBCU has urged the Federal Communications Commission to let it count more of its programming toward the mandated number of hours broadcasters must air shows with video-descriptions, which allow the blind and sight-impaired to listen to narrated versions of TV programs. Read more »

### **Pai Looks To Strengthen FCC Probes Of Hiring Bias In Media**

Federal Communications Commission Chairman Ajit Pai proposed a plan Tuesday that would enhance the commission's enforcement resources to investigate discrimination in the communications industry. Read more »

### **FCC Asks DC Circ. To Pause Small-Cell Rule Challenges**

The Federal Communications Commission asked the D.C. Circuit to put on hold combined challenges from Native American tribes and environmentalists to an agency rule exempting from environmental and historic reviews small-cell fixtures necessary for building up next-generation or 5G networks. [Read more »](#)

### **Sprint Urges FCC To Clarify Local Carrier Fee Rules**

Sprint representatives met with the Federal Communications Commission on Tuesday to urge the agency to resolve legal questions surrounding whether carriers must pay local access charges even for wireless users making local calls, a dispute over compensation that has been playing out in multidistrict litigation for several years. [Read more »](#)

### **Pai Elevates FCC Broadband Deployment Panel Members**

Federal Communications Commission Chairman Ajit Pai announced the elevation of two members of the agency's Broadband Deployment Advisory Committee on Monday, with one named vice chair and the other appointed to the full committee from one of its working groups. [Read more »](#)

## **WHITE COLLAR**

### **Manafort Seeks Juror Questions On Politics, Media Habits**

Former Trump campaign chair Paul Manafort is very interested in the political leanings and media diet of prospective jurors in his looming trial for financial crimes, a request for jury questions filed in Virginia federal court has shown. [Read more »](#)

### **Ex-Rep. Schock Will Ask Justices To Examine Fraud Charges**

Former U.S. Rep. Aaron Schock will ask the U.S. Supreme Court to consider whether his indictment on charges he misused campaign

and government money to support a lavish lifestyle clashes with the U.S. Constitution's speech-or-debate clause and rule-making clause, according to a court filing. [Read more »](#)

### **Insurer Witness In Skelos Trial Grilled Over NY Sanction**

Attorneys for former New York state Senate Majority Leader Dean Skelos and his son Adam on Tuesday went after a government witness who says he gave the younger Skelos a job in part to keep key state legislation to his insurance company viable, by questioning him over a state regulator's finding that he engaged in misconduct at a medical malpractice insurer. [Read more »](#)

## **EXPERT ANALYSIS**

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### **Inside The NLRB's General Counsel Memo On Boeing**

Last month, National Labor Relations Board General Counsel Peter Robb clarified how he expects the agency's regional directors will apply the 2017 Boeing Co. opinion when considering unfair labor practice charges concerning work rules and handbook policies. Unions and employees can take solace in the fact that the GC appears committed to case-by-case evaluation, say Steven Swirsky and Genevieve Murphy-Bradacs of Epstein Becker Green. [Read more »](#)

### **Some Good Prop 65 News For Businesses**

It is rare for anything having to do with California's infamous Proposition 65 warning law to be welcomed by businesses, but a dizzying flurry of recent developments may prove an exception, say attorneys with Morrison & Foerster LLP. [Read more »](#)

### **A Look At Chicago's Data Protection Proposal**

The Chicago City Council is considering privacy legislation that would regulate online

businesses that collect or broker sensitive personal information. Enacting this ordinance would ensure that Illinois remains at the forefront of the country's ongoing privacy debates, says Molly DiRago of Troutman Sanders LLP. [Read more »](#)

Opinion

### **Washington State Should Amend Its Anti-Rebate Laws**

Due to Washington state's anti-rebate laws, Zenefits customers in Washington now pay over \$1,000 per year for a service that should be free. If a law advances no legitimate policy objective, and its net effect is to harm consumers, then the legislature should change the law, say Nicholas Gregory and Shawn Hanson of Akin Gump Strauss Hauer & Feld LLP. [Read more »](#)

Opinion

### **Centrist Analysis Of Justice Kennedy's Retirement Is Flawed**

In telling Democrats and progressives not to melt down over the prospect of President Trump appointing another U.S. Supreme Court justice following Justice Anthony Kennedy's retirement, the centrists make four main arguments. None of them are convincing, says Gordon Renneisen of Cornerstone Law Group. [Read more »](#)

Roundup

### **From Lawmaker To Lawyer**

Earlier this year, Rep. Trey Gowdy, R-S.C., made headlines with his decision to leave Congress and return to law. In this series, former members of Congress who made that move discuss how their experience on the Hill influenced their law practice. [Read more »](#)

## LEGAL INDUSTRY

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### **Global 20: White & Case**

Working across far-flung offices to secure hundreds of billions in deals that include Eastern and central Europe's largest-ever

telecom transaction while also fielding major cross-border disputes, White & Case LLP again earned a spot on Law360's Global 20. [Read more »](#)

Feature

### **High Court Nomination Watch: DC Circ.'s Brett Kavanaugh**

Unlike others considered favorites to replace U.S. Supreme Court Justice Anthony Kennedy, D.C. Circuit Judge Brett Kavanaugh has a voluminous judicial record after 12 years on the federal appellate bench — one that reflects his strong conservative views on the law. [Read more »](#)

Feature

### **Law Firms Beware: Big 4 Leaders Eye More Legal Growth**

The Big Four's march into the legal industry has been relentless over the past decade, and leaders of Deloitte and EY told Law360 in recent interviews that onlookers should only expect a ramping-up of their expansion into the legal market going forward. [Read more »](#)

### **Sheppard Mullin, Herbert Smith Tout Associate Pay Shifts**

Sheppard Mullin Richter & Hampton LLP announced on Tuesday that it would join the throng of firms offering associates base salary hikes according to the new market standard established in June, while international firm Herbert Smith Freehills LLP made public the rollout of a new compensation system for British associates that focuses more on performance than seniority. [Read more »](#)

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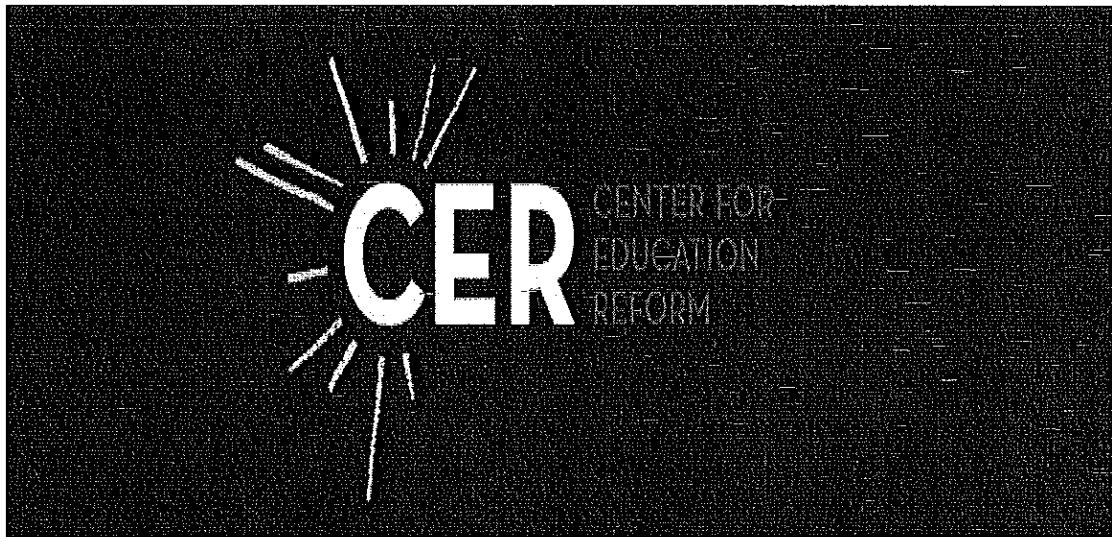
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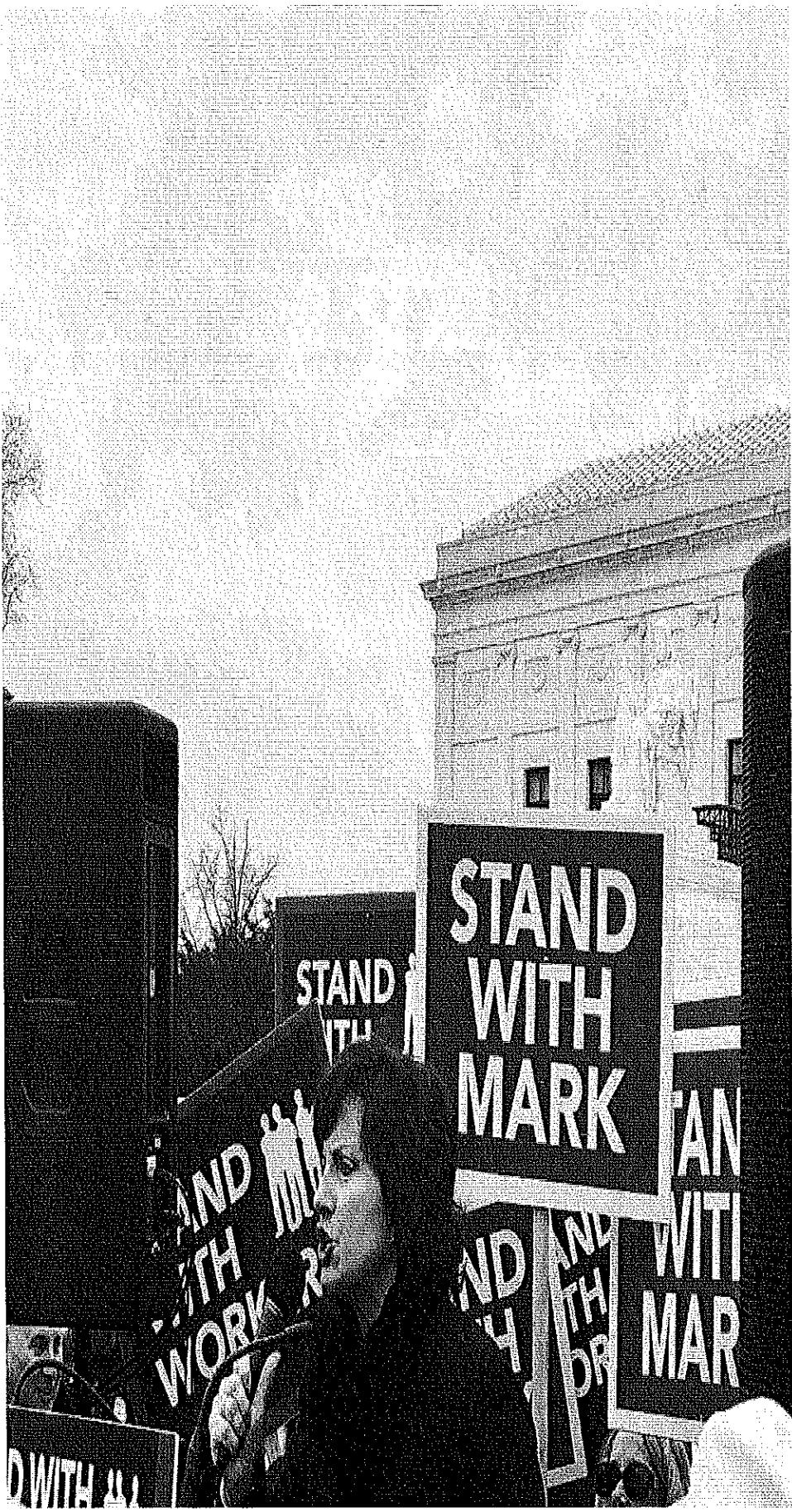
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## **ICYMI: In Public-Sector Union-Fees Case, SCOTUS Strikes a Blow for Freedom**

by Jeanne Allen | [National Review](#) | June 27, 2018



*Janus v. AFSCME* is good news for the First Amendment.

The suggestion by union leaders and various pundits that the Supreme Court's decision on *Janus v. AFSCME* will somehow deny teachers a voice — and will "defund and destroy" the unions ? 4 is absurd.

The case addresses an individual's constitutional protection from coerced speech. It doesn't deny unions the right to organize, recruit, bargain, strike, or collect dues from willing members. What it does deny is the unions' right to force individuals who are opposed to their positions and policies to pay into union coffers.

As much as America's teachers' unions are labor organizations, they are equally or more so political organizations, lending huge support to political causes, campaigns, and candidates. [Continue reading...](#)

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## SAUL'S NEWSSTAND

More political news, faster. Curated by Saul Anuzis

### [www.saulsnews.com](http://www.saulsnews.com) Saul's News - Weekly Review July 8th, 2018

Republican vs Democrats and those three letter "words": This is all you need to know when deciding how to vote...Republicans want to eliminate the IRS and Democrats want to eliminate ICE. OK, they may not be words, but it kind of says it all.

Jobs, Jobs, Jobs: The best social welfare program is a job. The greatest equalizer in society is an education and a job. President Trump's policies are working. Everything Obama and the Democrats said could NOT happen is happening. Jobs are coming back to the U.S., tax incentive money parked overseas is coming back AND for the first time in history there are more JOBS available than people 'willing' to work. In other words, if you want a job, you can get one. Changing welfare to workfare makes sense.

Remember, government can NOT give anything to anyone until it first takes it from someone else. The Democrats strategy of Alinsky warfare and believing in that "if you rob Peter to pay Paul, you can normally count on Paul's support" is a strategy destined to destroy America.

Obama's Secret Citizenship: This is outrageous. President Obama secretly granted friends of the Iranian repressive government U.S. citizenship as a sweetener for his nuclear sell out. As if billions in cash to finance terrorism wasn't enough. There is a good chance that Obama gave Iranian terrorist U.S. passports to freely travel in the United States?!? History will NOT judge his presidency well.

#Walk Away: This isn't your father's, or John F. Kennedy's or any rationale America's Democratic Party. The leadership has lost it...they've gone off the left deep end. I wish the

Progressives or Socialist would break off and start their own party...make your case to the American people...I have faith!

Stand Your Ground: A tale of two states: in Connecticut, a man is sentence to 18 months in prison for defending himself while being attacked by several thugs. In Texas, a mom shoots a thug trying to steal her care while her kids were still in it. Texas vs Connecticut state laws?!?

I, Pencil: At the end of this week's articles, I share the classic essay "I, Pencil" written by Leonard Read. It gives a simple, concise example of why "central planning" (socialism) hasn't and can't work. My friend Larry Reed (President of FEE) described the essay in this way:

"Eloquent. Extraordinary. Timeless. Paradigm-shifting. Classic. Half a century after it first appeared, Leonard Read's 'I, Pencil' still evokes such adjectives of praise. Rightfully so, for this little essay opens eyes and minds among people of all ages. Many first-time readers never see the world quite the same again."

I would encourage EVERYONE to read the essay and share it with your friends.

-Saul Anuzis



## Trump just keeps on confounding his hapless detractors

The left, much of the media and countless other opponents of President Trump have led a relentless, vicious, multi-pronged and often dishonest assault on him and his agenda since he first emerged as a presidential candidate in 2015. This assault, ramped up significantly during his presidency, has taken many forms: an apparently endless special counsel investigation, constant protests, bureaucratic stonewalling, "Deep State" leaking, continuous lawsuits, manufactured crises and outrage, daily media pounding and often false reporting, smears, personal attacks and abusive, even violent acts targeting his staff and supporters — all designed to cripple his ability to govern effectively.

While Trump's adversaries have been busy trying to execute their rolling putsch, however, the American people have been busy doing something else: supporting him and his policies. Instead of denting Trump, the perpetual outrage machine is creating the exact opposite dynamic.

[Text Link](#)

## The U.S.' Colorblind Jobs Boom Under Trump Continues

'Inclusive' Boom: It may be a surprise, but President Trump is nowhere near as unpopular among minority voters as the biased mainstream media suggest. Why is that? In a word, jobs.

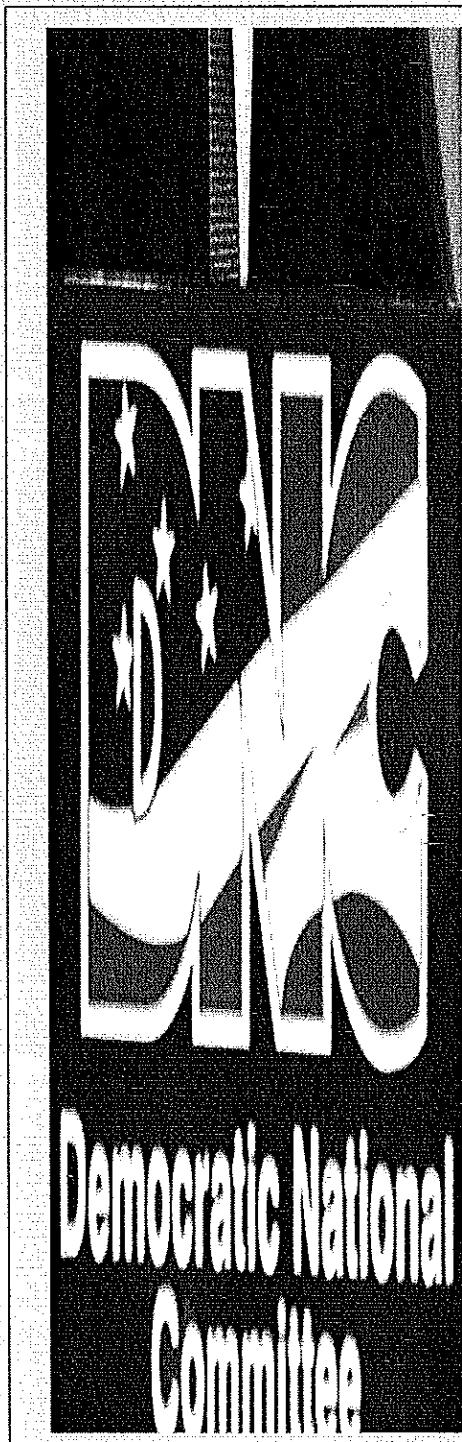
Trump, it turns out, has been the most consequential president in history when it comes to minority employment. In June, for instance, the unemployment rate for Hispanics and Latinos 16 years and older fell to 4.6%, its lowest level ever, from 4.9% in May. The previous all-time low was 4.8%.

African-American unemployment bounced up from its all-time low of 5.9% in May to 6.5% in June. But that 6.5% still represents the second-lowest unemployment reading ever for Black Americans.

As for Asian-Americans, unemployment similarly bounced off its all-time low of 2.1% in May, rising to 3.2%. And that's still 0.6 percentage point lower than when Trump entered office.

[Text Link](#)





## The Democrats' Declaration of Dependence

This Fourth of July, as Americans celebrated our nation's Declaration of Independence, the Democratic National Committee (DNC) issued its own Declaration of Dependence.

Yes, the socialism that linked the historically murderous regimes of Hitler's Nazis, Stalin's Bolsheviks, and Mao's Red Guards is now the economic policy guiding the elite of the party of Franklin Roosevelt, Harry Truman, and John F. Kennedy. Somewhere, Henry Wallace is looking up and smiling.

How's that for "radical," Ms. Ocasio-Cortez?

Being a party that still must rely upon pesky elections for obtaining power, the multitasking DNC overtly played the identity politics game to gin up its midterm voter turnout and covertly ensured its new adherence to socialism was hog whistled to the Left. ("Hog whistling" is when Leftists communicate amongst themselves their desire for free stuff at others' expense with the taxpaying public being none the wiser, though soon to be poorer.) Hence, it is what the DNC didn't say in its Declaration of Dependence that is instructive, if ominous.

There was no mention of either "liberty" or "freedom."

[Text Link](#)

## **WaPo: Dems about to outrage themselves out of midterm win**

Will Democratic outrage finally eat itself? The Washington Post's Michael Scherer sends up that warning to the Left, arguing that hysteria over Donald Trump may well start backfiring on them. Last week's retirement of Anthony Kennedy has created an environment of such high drama within the Beltway and the media bubble that it threatens to fracture the party from just about everyone and everywhere else.

It's a good warning, but it doesn't come without a little editorializing:

Growing liberal agitation over a pivotal Supreme Court retirement and a simmering crisis about immigrant child separation have left Democratic leaders scrambling to keep the political outrage they'd counted on to fuel midterm election wins from becoming a liability for the party.

Internal party debates have broken into public view over maintaining civility and the usefulness of liberal slogans like "abolish ICE," which some Republicans have embraced to argue falsely that Democrats oppose immigration enforcement. At the same time, liberal activists have begun to argue for more radical measures to counter President Trump, who they assert presents an immediate threat to the republic.

[Text Link](#)





## Donald Trump's mainstream immigration policy

Perhaps no Trump policy has provoked more emotional reaction than the practice of separating illegal border crossers from the children they brought with them to the U.S. There's no need to recount the number of times critics have called the president a Nazi, or a fascist, or just plain cruel.

The administration has now stopped the separation policy. But it plans to continue prosecuting illegal border crossers and, when those crossers bring children illegally into the U.S., will "detain families together during the pendency of immigration proceedings," according to an administration court filing in California.

That of course will not satisfy the critics, and legal challenges are sure to follow. But if a new poll is correct, it appears the Trump administration, after an enormously damaging few weeks, has ended up squarely on the side of the majority of American voters.

...But Bill Clinton left office in 2001, in the far-away pre-progressive days of the Democratic Party. The party's position on immigration today is unrecognizable to some old-style Clinton Democrats. And if Penn's findings are correct, most Americans are now closer to President Trump than the present-day Democratic Party.

[Text Link](#)